

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title: Impact Evaluation of STOP Grant Program for Reducing Violence Against Women Among Indian Tribes, Final Report**

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**Document No.: 195174**

**Date Received: July 03, 2002**

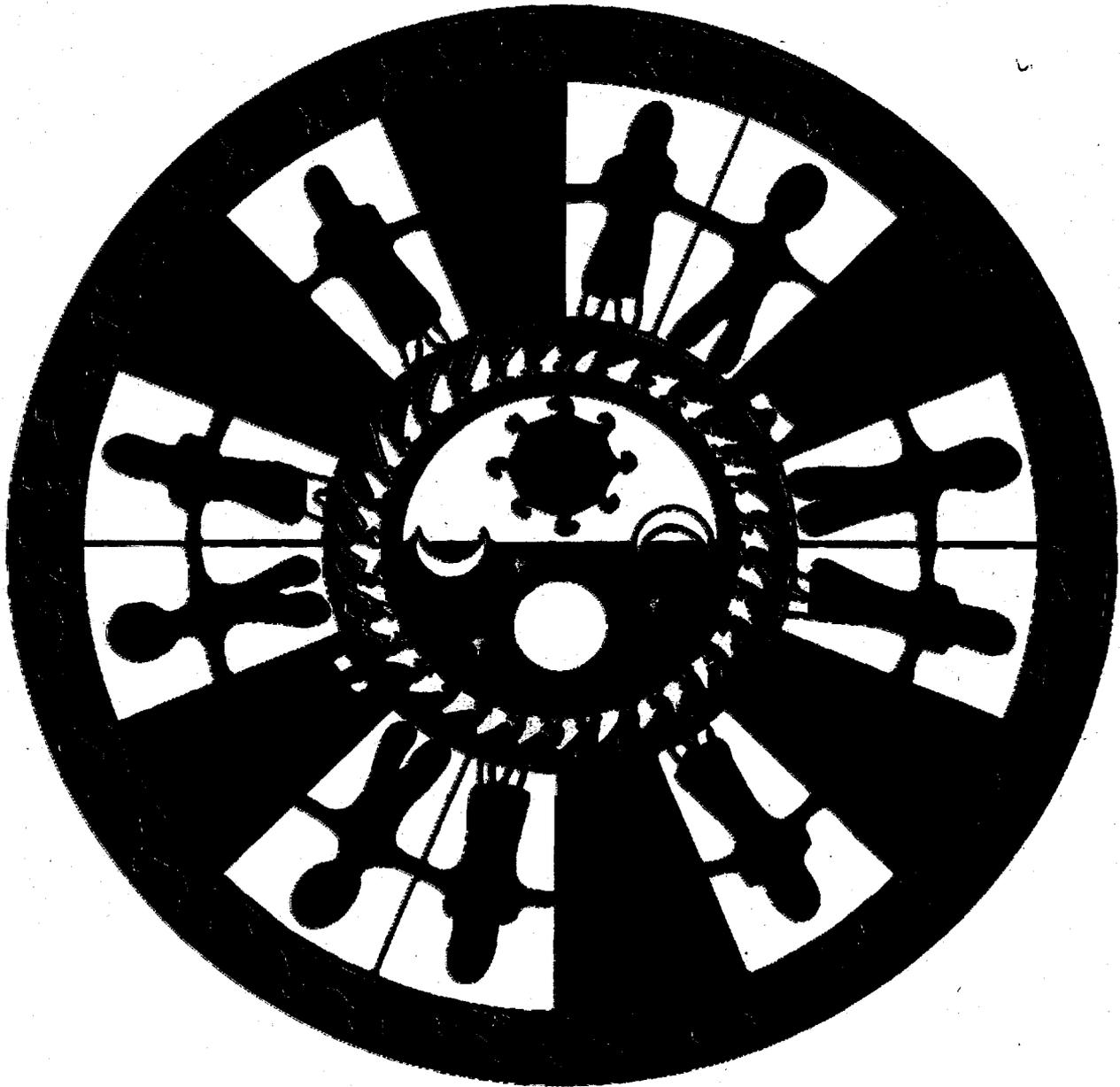
**Award Number: 98-WT-VX-K010**

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195174

**Final Report:  
Impact Evaluation of Stop Grant Program  
for Reducing Violence Against Women  
Among Indian Tribes.**



**Prepared by: Tribal Law and Policy Program  
American Indian Studies Programs  
University of Arizona  
April 15, 2002**

**Impact Evaluation of STOP Grant Programs for  
Reducing Violence Against Women Among Indian  
Tribes**

**Final Report Submitted to the National Institute of Justice**

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**April 15, 2002**

**FINAL REPORT**

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## ACKNOWLEDGMENTS

The Final report for the Impact Evaluation of Services, Training, Officers, Prosecutors (STOP) Programs for Reducing Violence Against Women Among Indian Tribes reflects the skills and hard work of the Tribal Law and Policy Program (TLPP) staff, the numerous tribal government officials and social service professionals who supplied the bulk of our knowledge and information, the University of Arizona American Indian Studies Programs, the Violence Against Women Office in Washington D.C., and the National Institute of Justice. The project benefited greatly from all these individuals and organizations.

The TLPP would first and foremost like to thank those individuals of each tribal community that we visited, especially the STOP grant coordinators. They provided invaluable assistance in helping us to collect the information we needed to evaluate their programs. This report would not have been possible without their cooperation and assistance.

The U.S. Department of Justice, National Institute of Justice project monitor, Angela Moore Parmley, provided valuable guidance and practical advice on issues related to this project. The TLPP would also like to thank the Violence Against Women Grant Office (VAWGO) regional grant managers for their assistance in coordinating between the tribal STOP programs and our project.

The TLPP also relied on the technical assistance and insight of Martha Burt and her staff at the Urban Institute in helping the project to fine-tune our research goals and methods.

Finally, the TLPP is indebted to numerous individuals at the University of Arizona who provided administrative, technical and research support: Richard Powell, Vice President of Research; Jay Stauss, Director, American Indian Studies Programs, and Mary Jo Tippeconnic Fox, Assistant Director, American Indian Studies Programs; the staff of the Sponsored Projects office; Debbie Friesen, American Indian Studies; and Kimberly Arthur, Jodi Burshia, Leah Carpenter, Jason Fox, Jeannette Garcia, Troy Honahnie, Mac Hudson, Angela James, Robyn Kline, Anne Luna, Deborah Mata, Reuben Naranjo, Thomas Ryan, Jocelyn Salt, and Carolyn Sizer, graduate students in American Indian Studies.

## Table of Contents

TITLE PAGE	
ACKNOWLEDGEMENTS	i
TABLE OF CONTENTS	iii
EXECUTIVE SUMMARY	ix
I. Introduction	1
A. Indian Country	2
B. Methodology for Evaluation	2
Figure I.1 Methodological Process	3
C. Organization of the Report	5
II. Profiles of the STOP Funded Programs	6
A. Demographics	6
Figure II.1 Map of Grantees	7
Figure II.2.a Site Visit Tribal Populations	8
Figure II.2.b Service Area	8
B. The extent of Domestic Violence and Sexual Assault	9
Figure II.3 Hospitalization and Homicide Rates	11
Figure II.4 STOP Grant Initiated Programs	12
C. The Grant Application Process	13
Case Study: Bristol Bay: Enriching an Existing Program	13
Case Study: Another Pre-existing Program- Forming Coalitions	14
Case Study: A Domestic Violence Program that Struggled to Receive Its Funding	15
D. Location of Program Administration	15
Figure II.5 Where All Programs Are Administered	16
Figure II.6 Types of Administrative Homes	17
E. Availability of Victim and Legal Advocates	18
F. Program Goals and Objectives	19
G. Barriers in Addressing Domestic Violence	22
Figure II.7 Barriers the Agency Encounters When Helping Women	22
H. Issues of Support	23
Figure II.8 Tribal Community Support	23
Figure II.9 Tribal Government Support	25
Figure II.10 VAWO Support	26
I. Staffing	26
Figure II. 11 Staff Positions Hired Using STOP Funding	28
J. Program Activities and Services	30
Figure II.12 STOP Funded Services	30
Figure II.13 Other Types of Funding Sources	31
K. Satellite Programs	33
L. How Service Recipients Learned About the STOP-related Programs	33
Figure II.14 Source of Referral to STOP Program	34

M. Case Studies of Program Activities and Services	35
Case Study: White Buffalo Calf Woman Society, Inc. (Rosebud)	35
Case Study: Peacekeepers (Eight Northern Pueblos)	36
Case Study: Another Community Showing a Distinctive Pattern	37
N. Program Self Evaluation	37
Figure II.15 Tribal Program Internal Evaluative Methods	38
III. Program Activities and Innovations	39
A. Codes and Ordinances	39
1. Jurisdictional Issues	39
2. State Domestic Violence Codes	42
Figure III.1 Programs that Use State Codes	43
3. Tribal Domestic Violence Codes	43
Figure III.2 Elements Addressed by Tribal Codes	44
Figure III.3 Tribal Codes	45
4. Agency Protocols that Address Domestic Violence	46
Figure III.4.a Agency Protocols	46
Figure III.4.b Agency Protocols Implemented	47
5. Penalty Levels	47
Figure III.5.a Crime Classification for Violation of Protection Orders	48
Figure III.5.b Crime Classification for Domestic Violence and Other Physical Assault	49
Figure III.5.c Crime Classification for Sexual Assault and Stalking Case Studies	50
Case Study: Developing a Model Code	51
6. Protocols	52
Case Study: A Comprehensive Ordinance	52
Case Study: Another Comprehensive Ordinance	54
Case Study: Codes Developed with the Assistance of the Task Force	54
Case Study: Creating a Code in a P.L. 280 State Analysis	58
Best Practices	59
B. Law Enforcement	60
1. Law Enforcement Overview	60
Figure III. 6 Complications in Obtaining Law Enforcement Services	61
Figure III.7 Reasons for not Reporting Domestic Violence	62
2. Law Enforcement Demographics	63
Figure III.8 Number, Gender and Ethnicity of Law Enforcement Officers	64
Figure III.9 Comparison of Arrests and Calls for Service by Grant Year	65
3. Cross Deputization Agreements	65
Case Studies	65
4. Challenges in Law Enforcement Jurisdictional Issues	66
Case Study	67
5. Public Law 280	68
6. Successes and Innovations as a Result of the STOP Grants	69
Figure III.10 Law Enforcement STOP Enhancements	70
Figure III.11 Law Enforcement Improvements	71

Case Studies: Benefits to Law Enforcement from STOP Funds	71
7. Domestic Violence Enforcement Officer	72
Figure III.12 Other Law Enforcement Tasks	74
8. Role of the Dispatcher	74
Case Studies	75
9. Mandatory Arrest	76
10. Collateral Arrest	76
11. Victimless Prosecution	76
12. Evidence Collection, Report Writing, and Data Collection	77
13. Sexual Assault and Stalking	77
C. The Court Systems and Prosecution	79
1. Protection Orders	84
2. Prosecution	85
Figure III.13 Domestic Violence Complaints Filed and Dispositions by Year	86
3. The Courts and Sentencing	88
Figure III.14 Types of Courts	89
4. Case Studies: Various Structures and Functions in Tribal Courts	90
5. Challenges in the Courts	91
Figure III.15 Comparison of Reasons for Dropping Domestic Violence, Sexual Assault and Stalking Charges	92
6. Sentencing and Court Ordered Treatment	92
Figure III.16 Domestic Violence Criminal Sanctions Once a Defendant is Convicted	94
Case Study: A Comprehensive Batterer's Re-education Program(Rosebud)	95
7. Compliance with Probation	97
D. Survivor Services	97
Figure III.17 Services Flow Chart	98-99
1. Survivor Services-Health and Medical	100
2. Western Medicine and Traditional Healers	100
Figure III. 18 Area Medical Services Accessed by Survivors of Domestic Violence and Sexual Assault	101
Figure III.19 Distance to Hospital	102
Figure III.20 Types of Transportation Available to Medical Hospital	106
3. Case Studies	107
Case Study: Coordinated Community Response	107
Case Study: A Task Force	108
E. Survivor Services: The Role of the Advocates	111
1. Who are the advocates?	111
2. Advocate Qualifications	114
3. Advocate Profiles	115
4. Advocate Services	119
5. Medical Advocacy	119
Case Studies	120
Case Study: Networking with Medical Personnel-A Best Practice	120
Figure III.21 Networking with Medical Personnel	121
Case Study: The Need for Medical Advocacy	122

6. Legal Advocacy	123
Case Studies	124
Case Study: Walking Beside the Survivor through the Legal System	
A Best Practice	124
Case Study: The Need for Legal Advocacy	125
7. Personal Advocacy	126
Case Study: Womens' Groups: Connecting to Culture and Creativity-	
Best Practices	127
Case Study: Protocols for Advocates-Best Practices	129
F. Survivor Services: Emergency Housing, Permanent Housing, and Housing-Related Advocacy	132
1. Survivors' Evaluation of Emergency Housing	133
An Urban Indian Shelter	137
2. Issues in the Planning Process for a Shelter	137
3. Shelter Profiles	137
4. Tribally-affiliated Shelters	138
5. Permanent Housing	140
G. Alcohol, Other Drugs, and Domestic Violence	141
Figure III.22a Association of Alcohol and Drugs and Domestic Violence	142
Figure III.22b Responses to Alcohol and Drugs and Domestic Violence	142
H. Program Coordination and Data Collection	145
Case Study: The Navajo Nation-Providing Services Over Large Areas	146
Case Study: The Creek Nation-Various Methods to Increase Inter-Agency Communication	146
1. Domestic Violence Task Forces	147
Figure III.23 Programs with Task Forces	149
Case Study- Women Form a Grassroots Task Force	150
2. Sexual Assault Units	151
Case Study: Bristol Bay-Establishing a Regional Sexual Assault Response Team (SART)	152
Case Study: Another Example of SART	152
3. Data Collection and Sharing	153
Case Study: Information Gathering-Rosebud	153
Case Study: The Eight Northern Pueblos-An Information Gathering System	154
I. Agency Training and Community Education	155
Case Study: Prosecutors Training Law Enforcement	156
Case Study: The Eastern Band of Cherokee-Officer Responses	157
Case Study: Changing Attitudes	157
Case Study: Other Tribal Community Training Efforts	159
Case Study: Another Community Trains Judges	159
1. Other Forms of Training	159
Case Study: A Variety of Approaches	160

IV. Discussion of Best Practices	163
A. What Are Best Practices?	164
Figure IV.1 Model of Successful Outcomes	166
B. Who defines Best Practices?	167
Figure IV.2 Concentric Circles of Best Practices	169
V. Conclusions and Recommendations	172
A. Coordinated Community Response	173
1. Code Development	173
2. Policy Task Force	173
3. Cultural Traditions	173
4. Training	173
5. Networking	174
6. Information Sharing	174
7. Research and Dissemination of Results	174
B. Victim Service Recommendations	175
1. Shelter/Safe Houses	175
2. Advocates	175
3. Protection Orders	175
4. Support Systems/Crisis Intervention	176
C. Law Enforcement Recommendations	176
1. Jurisdiction	176
2. Training	176
3. Specialized Domestic Violence Officer or Unit	176
4. Protocols	177
D. Prosecution Recommendations	177
1. Innovation	177
2. STOP VAIW Funded Prosecution or Additional Staff Time	177
3. Codes	177
4. Protocols	178
5. Probation/Tracking Officers	178
6. Batterer Intervention	178
APPENDIX A Evaluation Methodology	179
A. Evaluation and Final Report of the 1996-1998 Research	179
B. Current Evaluation	180
1. Telephone Interviews	181
2. Information Request Letter	182
3. Mailout Survey	182
4. Homicide Statistics	183
5. Site Visit Planning	184
6. Site Visit Procedures	185
7. The Inclusion of Additional Tribes	187
8. Information Synthesis	188
9. Final Report Preparation	189
10. Challenges Faced by Evaluation Team	190

REFERENCES	191
ATTACHMENTS TABLE OF CONTENTS	193
ATTACHMENTS	194

## **Executive Summary**

Chapter 2 of the Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), provides for law enforcement and prosecution grants to “assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.” The VAWA mandates that 4% of funds allocated for these grants be made available to Indian tribal governments. During the period from 1995-2000, 123 tribal governments received funding under this Act, designated as STOP (Service\*Training\*Officers\*Prosecutors) grant programs for Reducing Violence Against Indian Women (referred to hereafter as “STOP grant” or “STOP”). The National Institute of Justice (NIJ) awarded grants to the Tribal Law and Policy Program of the American Indian Studies Programs at the University of Arizona to perform an impact evaluation of these tribal grantees, and to determine any “best practices” that were developed by the grantees, pursuant to the methodology subsequently set forth. This is the final report on evaluation activities and findings.

### **Program Activities and Innovations**

Jurisdictional issues, such as the Major Crimes Act, Checkerboarding of reservation lands, Public Law 83-280 and the issues of Full Faith and Credit/Comity, overlapping law enforcement agencies working in Indian Country, and differences in legal codes and ordinances, complicate the development and performance of tribal programs. Programs like STOP VAIW (Violence Against Indian Women) play vital roles in empowering tribal governments, thus allowing them to assert and strengthen their sovereignty and consequently deal effectively with surrounding jurisdictions.

### **Codes and Ordinances**

Different jurisdictions with authority in Indian Country have distinctive codes and ordinances concerning proper law enforcement procedure as it involves violence against Indian women. Often, these codes and ordinances vary to such an extent that there are serious complications that arise when the arrest or prosecution of a perpetrator crosses

jurisdictional lines. Those jurisdictions, both tribal and non-tribal, that seek to coordinate their codes and ordinances greatly enhance their ability to keep Indian women safe.

### **Law Enforcement**

Jurisdictional conflicts, issues of mandatory and collateral arrest, victimless prosecution, data collection and report writing greatly affect the satisfactory apprehension of perpetrators. Training of law enforcement personnel, the development of adequate protocols and procedures, the appointment of domestic violence enforcement officers, and the integration of law enforcement into a community task force and network are essential to a comprehensive community-based approach that deters domestic violence, sexual assault and stalking, and keeps Indian women safe.

### **The Court System and Prosecution**

The ability of tribal courts to issue effective court orders, that are recognized and honored by perpetrators, and which are given full faith and credit/comity by courts of foreign jurisdictions, is essential in keeping women safe. The lack of full faith and credit/comity between tribal and non-tribal courts significantly affects the response to violent incidents. Victim safety is compromised if tribal orders are not recognized. Inability to prosecute cases for violations of tribal court orders creates a system where offenders are not held accountable for their actions.

It is essential that prosecution units develop innovative systems and help to draft or revise tribal legislative codes and protocols, assist with communication between components of the system, participate in the training of law enforcement, and assist with the development of a coordinated effort. Cultural and traditional components bring a necessary element to the administration of justice in Indian Country. The utilization of traditional healers, elders, Circle Sentencing, batterer's programs, and traditional punishment, such as restitution and banishment can be extremely useful in helping to keep women safe. Probation and case tracking is an essential component for courts and prosecution. The sharing of information regarding the compliance of a perpetrator with court mandated programs, as well as continued supervision, is also essential.

### **Survivor Services**

Indian women who are survivors of these types of crimes must have access to medical and health services. In Indian Country, these services include both western medicine and traditional healers. Often, the programs must supply transportation services to survivors, as well as training, protocol and procedure development, and funding to medical providers to enhance these services.

Advocates are an essential component of STOP VAW programs. The advocates serve in various capacities, including the provision of legal, housing, personal, and medical assistance. Those programs that provide comprehensive, long-term advocate services are most successful in assisting survivors to ensure their own safety.

### **Program Coordination and Data Collection**

The coordination of services for survivors is essential if women are to be kept safe. Most programs develop Domestic Violence Task Forces to enable components of the program to communicate and coordinate activities. Community networking is also essential to assist in outreach to survivors and to empower them after an immediate crisis is over. Sexual Assault Response Teams are useful in obtaining evidence and the prosecution of sexual assault cases.

### **Agency Training and Community Education**

Training is essential if violent crimes against Indian women are to be reduced. Training is an effective component within law enforcement, courts, prosecution, service provider staff and generally throughout the tribal community. Colleagues should do the training if it is to be best received. Culturally specific training is considered highly valuable for all components of the programs.

### **Best Practices**

A number of Best Practices were ascertained as a result of this evaluation. Particularly notable Best Practices are as follows:

1) Changes in values and belief systems related to violence against Indian women are effectively impacted through training in law enforcement, in the courts and in the community. Community events and activities that are culturally-based and that actively involve a broad base of tribal members raise awareness of the dynamics of domestic violence and the resources that are available. Data gathering and effective continuous dissemination so that the “facts” become evident and shared are another means of changing belief systems, therefore reducing violence against Indian women. The strong ongoing presence of domestic violence programs in tribal communities reduces denial of the existence of the problem of violence against women, and lifts the stigma previously associated with this subject.

2) Changes in structures and procedures are found to be a strong component of many Best Practices. These include methods aimed at strengthening communication linkages including increasing staff, equipment and skills to carry this out. Creating coordinated community responses through the creation of task forces and Sexual Assault Response Teams (SART) are Best Practices that have been effective in crossing over tribal and non-tribal boundaries and jurisdictions in order to establish cooperation in addressing violence against women. The creation of networks, both formally and informally is another means of creating effective linkages and accessing information and resources. The creation and consistent use of ordinances, codes and protocols that give consistency and authority to actions are also essential Best Practices.

3) Best Practices as a part of direct services include the many activities of the advocates acting in support of women who have been victimized. The establishment and effective maintenance of shelters and other temporary housing options that take into consideration tribal resources and community-based needs are Best Practices. Culturally appropriate counseling and support groups for women and children, as well as re-education programs for batterers are essential, as is program coordination with alcohol and other drug programs.

### **Recommendations**

As a result of this study, the evaluation team determined the following recommendations for VAWA/ VAIW programs:

### Coordinated Community Response

1. Develop and implement comprehensive domestic violence, sexual assault, and stalking codes with special attention to reflecting specific tribal justice systems.
2. Create and consistently utilize a broad-based task force as a means to coordinate a community response to violent crimes against Indian women.
3. Incorporate traditional components including traditional healers and elders, culture-based activities, culturally-specific counseling methods, and tradition-based means of holding abusers accountable.
4. Carry out thorough and consistent training in criminal justice, law enforcement, and victim service agencies.
5. Emphasize ways to increase and strengthen networks as a means to accomplish program goals.
6. Create comprehensive data collection and information dissemination that is tailored to specific tribal needs.

### Victim Services

1. Create and maintain shelters, safe houses, other temporary housing options, and when possible assist in finding permanent housing.
2. Establish strong medical, legal, personal and housing advocate services.
3. Create procedures so that protection orders are enforceable across jurisdictions.
4. Develop tribally-specific support systems for women that may include child care, job training, and education.

### Law Enforcement

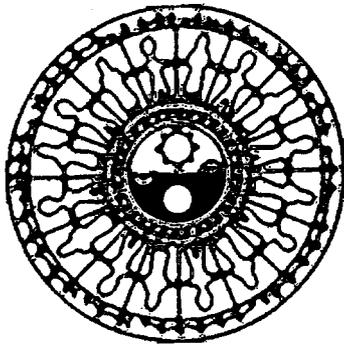
1. Reduce the barriers and complexities created by jurisdictional issues through building linkages and creating ongoing dialogue among tribal, county, state, and federal agencies.
2. Establish ongoing training of law enforcement that is most effective when done by criminal justice personnel.
3. Create a special domestic violence officer position or unit.
4. Develop strong law enforcement protocols in conjunction with clear and useful codes.

### Prosecution

1. Take a leading role in developing systems, in training components and in dealing

with jurisdictional issues.

2. Develop a prosecutor position if one is not already in place.
3. Take an active role in the development and implementation of domestic violence, sexual assault and stalking codes.
4. Develop and implement clear and consistent protocols for cases involving violent crimes against women.
5. Create probation or tracking officer staff positions to ensure perpetrator compliance with court orders.
6. Develop effective batterer intervention programs that are an effective alternative to incarceration.



## PART-I. INTRODUCTION

This Part introduces the evaluation process that has been carried out, the sample size of funded programs, significant and unique characteristics in Indian Country, the evaluation methodology, and a brief description of the organization of the report.

This is the final report of evaluation research carried out from 1996 to the summer of 2001 to evaluate 123 American Indian projects that received STOP VAIW grant funding intended to address domestic violence, sexual assault, and stalking in their communities. The evaluation has been carried out by The Tribal Law and Policy Program, American Indian Studies, University of Arizona, Tucson. A final evaluation report for the 1996-1998 research was submitted on October 1999 and titled Impact Evaluation of STOP Grant Programs for Reducing Violence Against Women Among Indian Tribes. This report covered those fourteen programs that were funded through the initial STOP grants. The reader of the current report is referred to the 1999 evaluation report for an overview of criminal justice in Indian country, the activities of the 1995 STOP grantees, and a review of pertinent literature related to domestic violence, sexual assault, and stalking.

The number of programs that received STOP funding per year are the following:

FY 95 – 14 programs  
FY 96 – 54 programs  
FY 97 – 32 programs  
FY 98 – 24 programs  
FY 99 – 10 programs  
Total = 134 programs

However, due to de-funding, administrative problems, or lack of response, the total number of programs that were ultimately evaluated is 123.

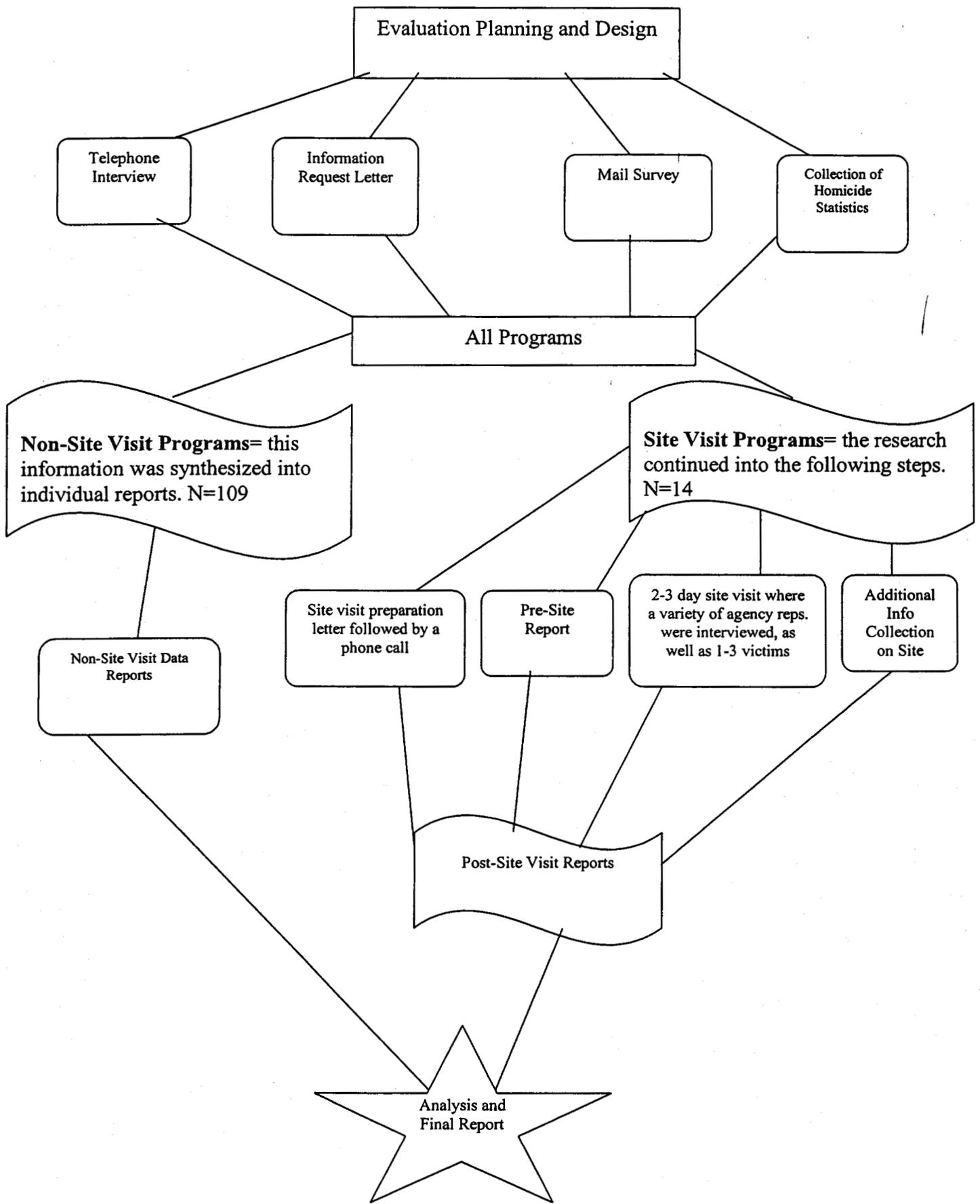
## **Indian Country**

The situation on many fronts in Indian Country is extremely critical, and violence against women is a major issue of deep concern. The unique history, cultures and legal status of tribal nations contribute to special circumstances, distinct from society at large. Thus, the definition and nature of problems, including violence against women, are different and the solutions have to be appropriate to these circumstances in order to meet the unique needs of Indian Country. Creating those solutions that are specific to each tribe are both complex and urgent. The STOP programs as a whole present a distinct vision for the future of Indian family and community well-being in which violence against Indian women is no longer present. Many of the programs have found innovative and powerful ways to merge strengthened traditional methods of dealing with violence, and contemporary resources and methods. Some of these are discussed in this report and are considered fundamental elements in many of the STOP programs: medicine people as healers and counselors, grandmothers who visit shelters, community consensus in sentencing, and alternative treatments as a part of probation.

## **Methodology for the Evaluation**

A detailed description of the evaluation methodology is found in **Appendix A** at the end of this report. The evaluation methodology incorporates a series of both quantitative and qualitative research techniques and relies on surveys, on extensive interviewing that allows the tribal project field practitioners and service recipients to fully express their perspectives and experience-based insights, and on the extensive use of case studies to document and explicate the analysis. This research methodology is appropriate to the specific cultural context in Indian Country, and has been a powerful tool for gaining clear understandings regarding program strengths and weaknesses, as well as the processes that lead to successful program outcomes. The evaluation delineates and analyzes the Best Practices as expressed within a project specific and culturally specific setting, and then analytically discusses these in a cross-site, multi-project manner. The evaluation research relies primarily on four principal data sets derived from: the site visits, the mailout survey, the telephone survey, and ancillary materials supplied by the programs. The process through which each of these sources of data was obtained and how they are linked to one another is illustrated in *Figure I.1.*

*(Methodological Process).*



**Figure I.1: Methodological Process**

Note that all 123 programs participated in the phone interview; whereas a subset of 56 programs completed the mailout survey form, and another subset of 25 programs participated in the site visits (14 during the first set of site visits; 14 during the second site visits, three of which were repeats from the first site visit = 25 total programs). The sequence and timing of evaluation aspects include the following: evaluation design, telephone interview, information request letter, mailout survey, homicide statistics gathered, site visit planning, site visits, addition of new programs, information synthesis, final analysis and report preparation.

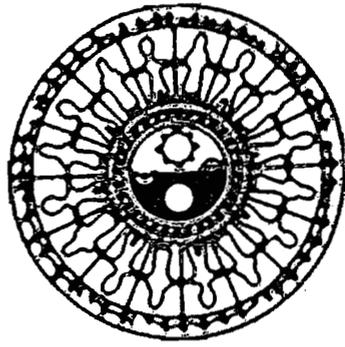
This report provides basic descriptive information about who is served by the programs, the structuring of programs, what services are being provided, service recipient responses and level of satisfaction, as well as the program impact overall. In dealing with this large number of programs, it is evident that the projects vary widely in their missions and goals, their structuring, their activities, the nature of their implementation, and their primary clients. The report, while covering all aspects of program activity, is taking particular care to delineate best practices and successful innovations carried out by the programs. Emphasis in this report on both process and outcome is on the impacts the programs have had in enlarging and strengthening the tribal responses to violence against Indian women. Also, by identifying program elements that may need improvements or modifications, or where gaps in services exist, recommendations are made to assist in improving existing programs, as well as new ones, now in development.

Throughout the report, discussion of the programs is organized by the unit or units such as court, law enforcement or victim services which act as the administrative home of the various programs. From this organization of data a series of topics are addressed, including the development of codes and ordinances, survivor services, the role of the advocates, and protection orders. Also throughout the report, innovative and best practices are highlighted as assessed in terms of serving the needs of the victims of domestic violence, sexual assault and stalking. Some of the programs wished to remain anonymous in this report, while others agreed that their names could be mentioned while discussing their programs. Note that in this report the term "service recipient" is used interchangeably with "victim" and

“survivor,” depending on the context. The latter two are most frequently found in the literature on domestic violence, sexual assault, and stalking.

### **Organization of the Report**

This report is organized into five parts that provide a logical sequence: I. Introduction, II. Profiles of the STOP Funded Programs, III. Program Activities and Innovations, IV. Best Practices, and V. Conclusions and Recommendations. An appendix regarding methodology and a reference list follows. Some readers may wish to read the entire report from beginning to end, while others may find it more useful to turn to those parts that particularly interest them. Details of this organization are found in the Table of Contents, which readers are encouraged to utilize as a topic guide to both the report narrative and the charts, graphs, and models that are integrated throughout the text.

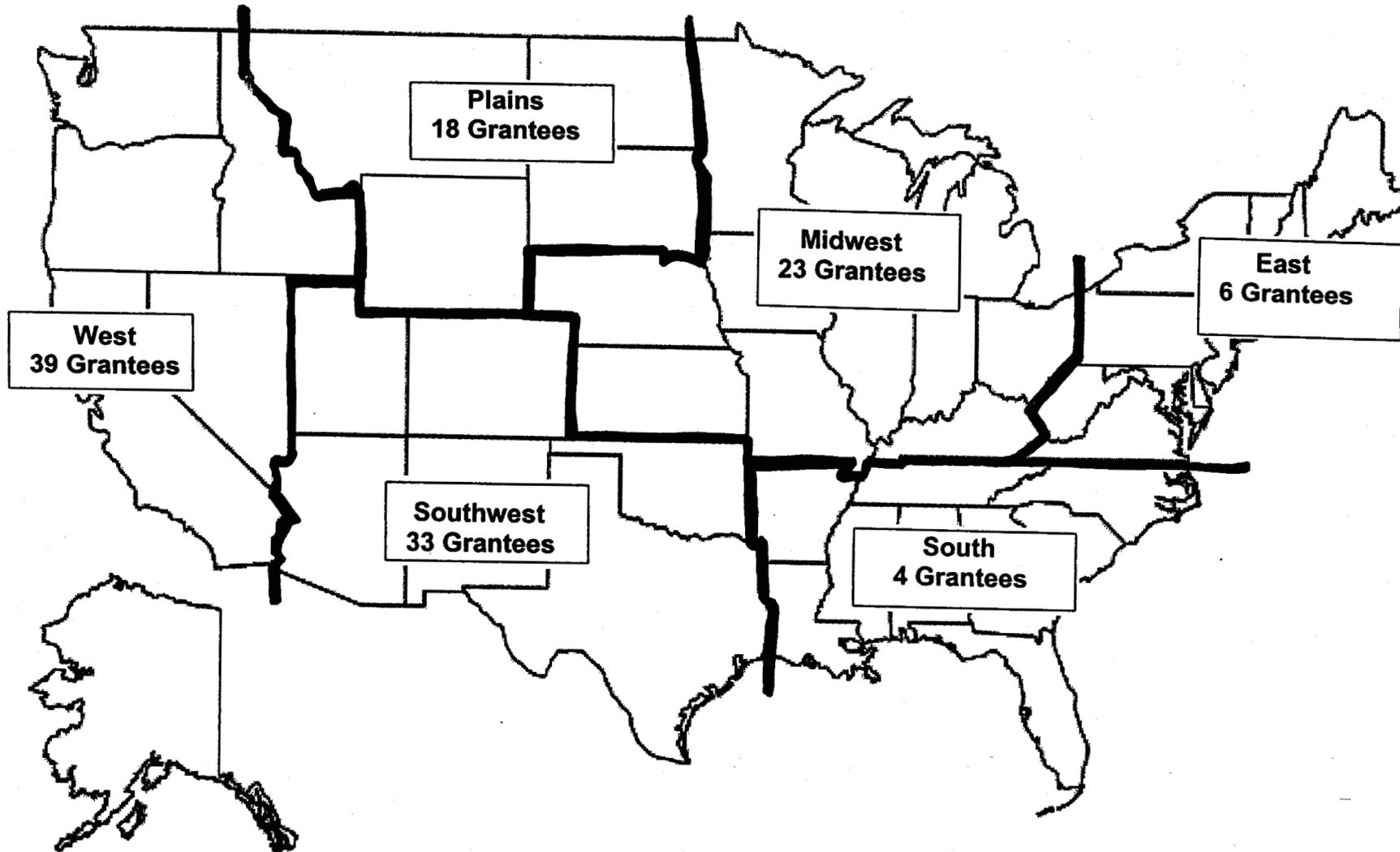


## PART II. PROFILES OF THE STOP FUNDED PROGRAMS

This Part is intended to give an overview of the structure and functioning of the tribes and their programs. It focuses on a description of various aspects of the overall cohort of funded programs: demographics of the tribes, and the extent and nature of domestic violence and sexual assault in these communities. This Part also outlines the grant application and funding process as experienced by the various programs, the structural unit in which the various programs have been administratively housed, as well as the range of program goals and objectives. Also discussed are the social and legal barriers that were reported in addressing domestic violence and sexual assault, as well as the levels of support experienced from the tribal community, the tribal government, and the source of program funding. The development of program activities and services, decisions regarding hiring staff, the means through which service recipients learned about STOP programs, and program self-evaluation methods are also examined in this Part. As appropriate, case studies detail the process and approach carried out by various exemplary programs.

### **Demographics**

*Figure II.1 (Map of Grantees)* shows the geographic distribution of the 123 STOP funded programs that were evaluated. There is a great deal of variation in population size and the extent of the service area among the 123 tribes receiving STOP grants. Within the fourteen tribes that were site visited since the preliminary evaluation report, this variation is illustrated in *Figures II.2a (Tribal Populations) and II.2b (Service Area)*. Not all 395,975 members of the total service population in these fourteen programs reside on reservation lands. Some live in adjacent rural areas or in urban areas, or may be in transit through communities that have STOP programs. Likewise, the density of populations shows much variation among the fourteen site visited programs.



**Figure II.1: Map of Grantees. N=123**

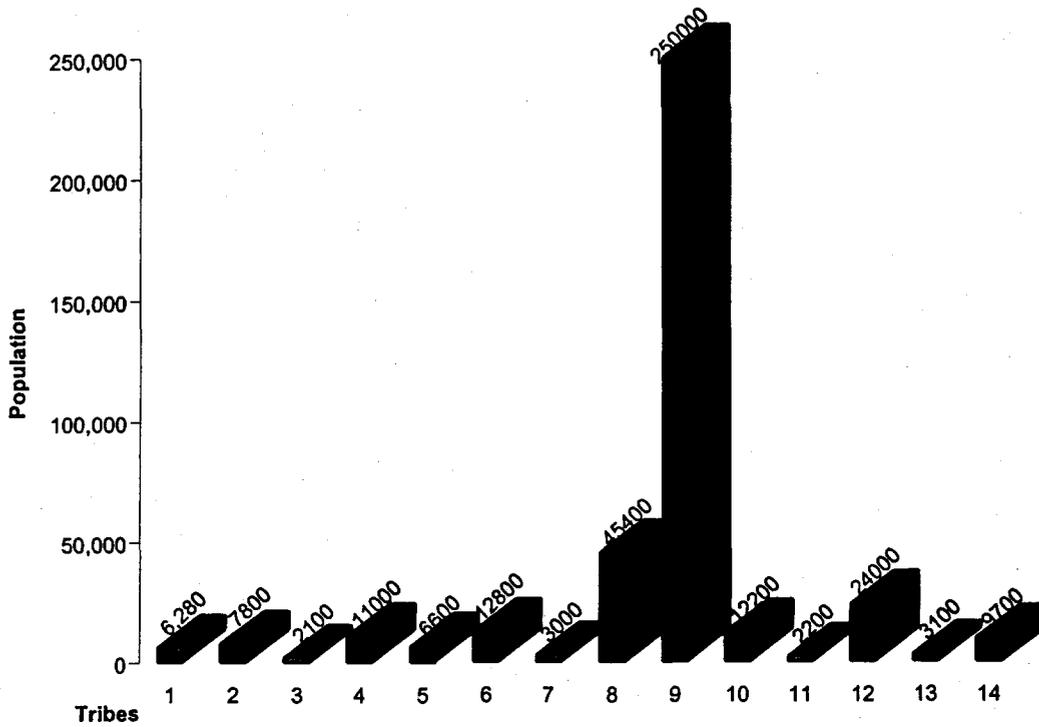


Figure II.2.a: Site Visit Tribal Populations. N=14

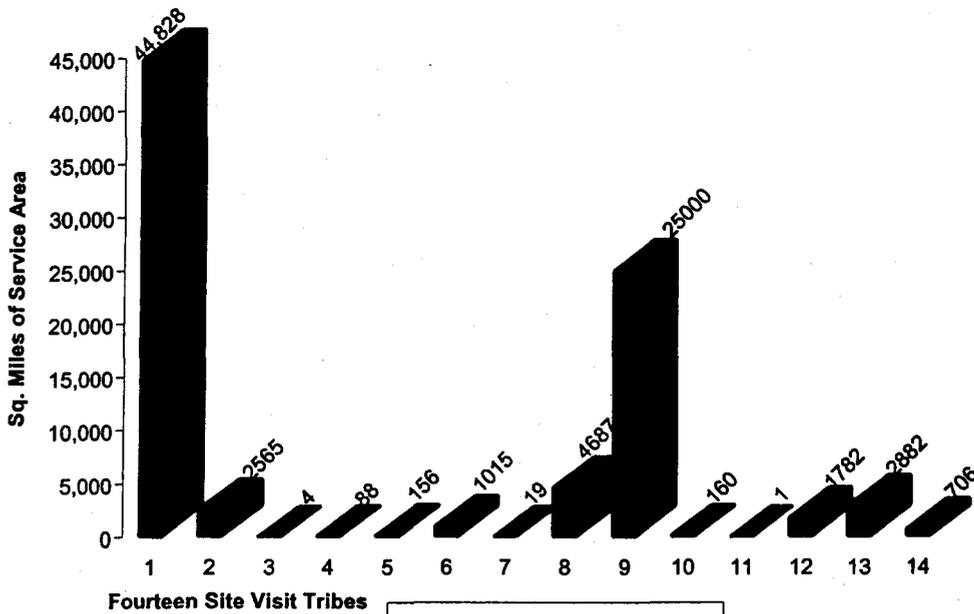


Figure II.2.b: Service Area. N=14

With a total of 83,893 square miles of service area, some service populations are dispersed over broad expanses of territory. In contrast, some are in compact urban environments, or in small rancherias, communities, or pueblos. One program controls less than one half square mile of service area; while another program provides services within 44,000 square miles of territory. Another STOP grant recipient provides services to over 250,000 members living in an area the size of Connecticut, Delaware, Maryland, Massachusetts and Rhode Island combined. Various STOP grant recipients in California, Nevada, and New Mexico joined together to provide services to member populations living in rancherias, pueblos, and villages that are not geographically contiguous to one another. One program provides services to over 7,700 tribal members living in thirteen communities in an area of almost 2,600 square miles. This variation in population density and territorial extension creates many considerations in the structuring and functions of STOP programs.

Distance and climate, what one program staff person termed "spectacularly bad weather," present particular challenges. Programs may rely on airplanes, boats, taxicabs, and snowmobiles to remove service recipients from violent situations. These considerations of distance and climate may substantially increase the costs related to administering a program. Distance and climate also limit the rapid response by police officers to domestic violence incidents. Crisis line telephone calls that trigger immediate responses to domestic violence situations may also be hampered by severe weather. Distance also causes transportation problems for some program staff who, in the course of their duties, must "piggy back" rides with other entities serving remote communities. In some communities with widely dispersed and isolated service populations, advocates and other staff persons must rely on telephones, faxes, radio, and vigorous networking with law enforcement agencies and judicial resources to provide services to remote areas. Long distances may also isolate and provide challenges to peer advocates, volunteers, and health aids.

### **The Extent of Domestic Violence and Sexual Assault**

*"Domestic violence...has no quick fix to alleviate the problem. The problem like a tree has many roots and some of them are very deep and are going to be hard to bring to the surface. The first obstacle to overcome is denial"* (A STOP Program Staff Person).

Many programs have made a point to document the pervasiveness of domestic violence and sexual assault in their communities. For example, literature from the Bristol Bay SAFE program in Alaska states:

Domestic violence and sexual assault are common and overwhelming problems in Bristol Bay. In any given year, 10% of adult female residents of the Bay are Clients of SAFE. Nearly an equal number will go through the police and courts without ever contacting SAFE. These are just the ones we know about. Domestic violence is substantially under-reported. We believe it is conservative to estimate that 3 out of 10 adult women in Bristol Bay will be victims of domestic violence sometime this year.

Alaska Native women are at much higher risk of abuse than non-Native women. Alaska Native women comprise less than 8% of the population, yet make up nearly 35% of the reported sexual assault victims. Nearly one-third of the women in shelters in urban areas of the state are Alaska Native women.

Cultural disruption has increased violence against women among Alaskan Native Groups and Bristol Bay is no exception. Prior to western intrusion, some Native groups were egalitarian, some matriarchal, and some patriarchal; however, status depended more on an individual's ability to contribute to the group instead of on gender. Violence against women was not the norm for any Alaskan Native group. Native Alaskans interacted through extended families, provided for their basic needs from the land and sea, educated through oral tradition, and focused on communal needs...Elders have lost their place of honor and respect. Being forced to reconcile western culture with their own has led to high suicide rates, chronic alcoholism, and increased violence against women and children. (from "Bristol Bay: The Wild West" June 1999).

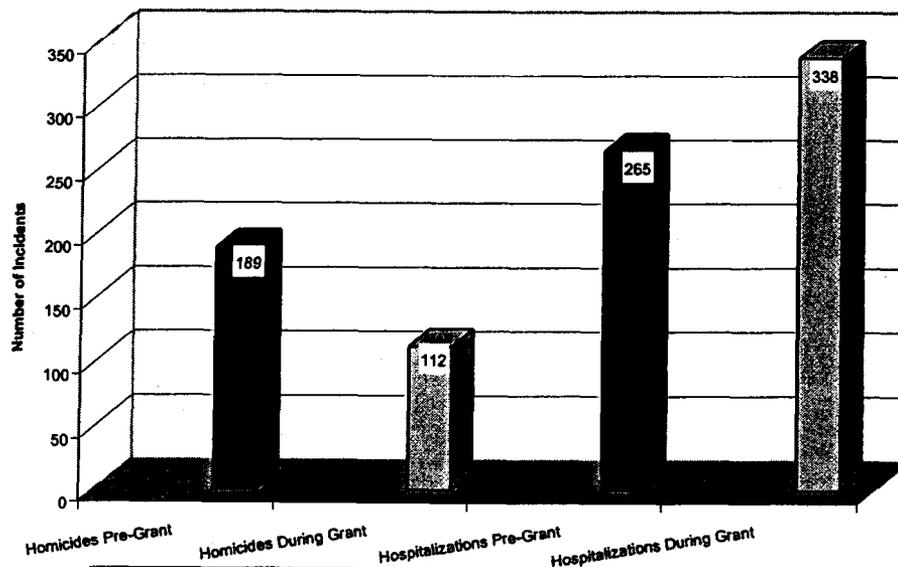
Many of the programs stressed the co-occurrence and complex inter-relationship of alcohol and other drug abuse and violent domestic behaviors. A large percentage of the programs reported that alcohol was involved in up to 85% of domestic violence cases.

Near the end of the final data gathering portion of the evaluation research, there was a special request by the then United States Attorney General, Janet Reno for program statistics on domestic violence homicide and hospitalization rates, both before and after receiving the STOP grant. There was some difficulty in obtaining this data for the following reasons:

- Many tribes had not kept these statistics prior to the grant
- Homicides in Indian Country are jurisdictionally federal in nature, and therefore, tribes often do not have access to these statistics

- Hospitalization statistics were not usually maintained nor available to many domestic violence programs, but more often were kept by the Indian Health Service hospital or other health facilities
- Overall definitional inconsistencies, as well as inconsistencies in data gathering techniques among the various tribes, rendered the resulting figures incomparable.

Nevertheless, *Figure II.3. (Homicide and Hospitalization Rates)* indicates those rates that were obtained from the grantees. From the available data, it would appear that homicides have decreased between the “pre” and “post” grant period with 189 homicides pre-grant and 112 after receiving the grant. Thus, it would be easy to attribute the decrease to the efforts of the domestic violence programs. However, these data bear further investigation as other factors may account for this decrease. Explanations for the increase in hospitalization as a result of domestic violence from 265 pre-grant to 338 post-grant also bear further investigation since it is unknown if this rise is due to the fact that more women are seeking hospitalization as a result of the domestic violence programs’ activities and community awareness, or if the actual incidences of domestic violence requiring hospitalization has risen, or if neither of these explanations is the case. Further investigation is required to sort out these gaps and inconsistencies.

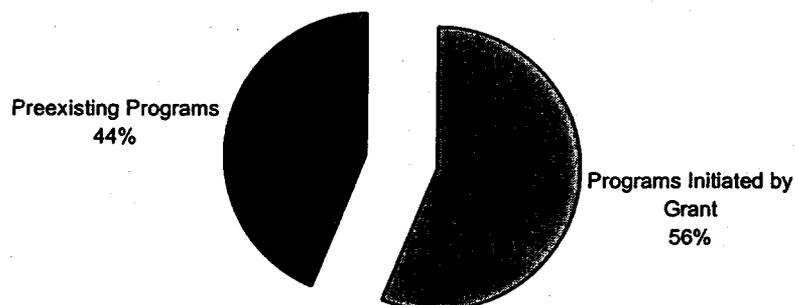


**Figure II.3: Homicide and Hospitalization Rates - Pre and During Grant. N=42**

Many tribal communities have historically dealt with violence against women within extended family networks, or in other ways such as the village leaders publicly punishing perpetrators. Many of the communities who have received STOP funding, continue to perceive domestic violence as not only affecting a troubled couple, but their families and the communities at large. One program staff person said, "the breakdown of extended family and the natural social services providers of the tribal community can be traced to many factors, including paternalistic and ethnocentric policies, a denial of community, geographic and ethnic isolation and economic factors. Native American families believe that it is the responsibility of the extended family to help solve their internal problems." As a result, tribal communities such as the Navajo Nation often direct domestic violence cases to their Peacemaker courts. In the case of the Rosebud reservation, male perpetrators are court ordered to attend culturally specific re-education programs. Often, the focus is on strengthening the community, rather than dividing it, as one program staff person put it,

In responding to domestic violence, Native Americans are seeking to end the violent cycle. However, many would often prefer to remain in their communities rather than relocating to areas that are, although removed from the batterer, are also removed from the individual's family, friends, and existing support systems. Because relocation is not usually a viable alternative for Native victims of domestic violence, and because many non-Indian agencies encourage this course, the agencies are often perceived as hostile.

*Figure II.4. (STOP grant initiated programs.)*



**Figure II.4: STOP Grant Initiated Programs. N=123**

The STOP grants have provided the initial funds for 56% of the evaluated programs to be established. 44% of the programs existed prior to receiving the STOP grant. Most of these that existed prior to the STOP grant are housed in victim services and receive a variety of other federal and state grants.

### **The Grant Application Process**

The following three case studies are useful to give a sense of the STOP grant application process. Two programs successfully received funding, and one did not. The first program was already well established through the use of other grants when it first received STOP funding. The second program was first initiated with the STOP funding. The third program existed prior to applying for the STOP grant. However, it faced problems while trying to access the awarded STOP funding.

#### **Case Study: Bristol Bay-Enriching an Existing Program**

Bristol Bay originally applied for STOP funds because of a dramatic increase in domestic violence against women. However, Bristol Bay native communities were adept at ignoring the issue. As a result, the Bristol Bay Native Association took action by developing the Safe and Fear Free Environment, Inc. (SAFE) program, which operated out of a shelter in Dillingham, the economic and political hub for surrounding Native villages. Because the time factor was critical, it was determined to continue the existing program and expand it with STOP funds. Supportive family networks were already in place, and the SAFE Board of Directors had strong linkages with the Bristol Bay Native Association.

In order to organize for the application of the STOP grant, the Bristol Bay Native Association's social services administrator called an informal meeting for women working in rural Alaska for the prevention of domestic violence and on other social issues. The social services administrator looked for ways that SAFE could "change the system." Lacking organized responses to domestic violence, many of the women who met during these planning sessions were already keeping victims of domestic violence in their homes during crises. This network of women were also involved with other social service organizations and some were married to men who held positions of influence, or authority in the

community. The Bristol Bay Native Association had to obtain a resolution from member villages to authorized application for the STOP grant. They applied for funding and were one of the ten awarded at that time. The original grant was to provide domestic violence training and a domestic violence video. An additional STOP grant expanded these activities.

The funds were used to launch Native community awareness campaigns, and hire Native advocates, thus increasing awareness of the SAFE presence. Prior to this change, many presumed that white women were trying to form the organization and that Native women were somehow excluded, or were precluded from using SAFE's services. As one Native service recipient stated, "It was a well kept secret that I was a battered wife...in the earlier years, I would not have used SAFE...now the women [who work there] are comfortable [to be with]. It's a well used program now."

#### **Case Study: Another Pre-Existing Program-Forming Coalitions**

In this community, the Tribal Council chairman had the primary responsibility for developing the STOP grant. [Note: Some programs, including this one, that were evaluated have maintained requests for anonymity]. A grant writer wrote the STOP grant request while the STOP grant coordinator, who was hired after the grant was funded, had no role in planning the program. During the planning process a highly effective community group came together to form a coalition that included the tribal attorney, the district attorney, members of the police department, the shelter director, and advocates. Once in place, the grant was credited with increasing the cooperation between all these services. One coalition member said, the "biggest change is the harmony of the community...it's just amazing what has happened in that period of time." Also since the beginning of the grant period, many who were interviewed indicated that the community overall had become more aware of domestic violence. Much of this shift in awareness was due to the work of the coalition members. One said, "Personally, I think [the grant has] really helped...things had actually gotten pretty bad, until [we began working on this.]"

Re-application for the year 2000 funding expanded to include a full-time Sexual Assault Rescue Team (SART) coordinator. Also planned were increasing a half-time advocate to a full-time position; adding a batterers re-education program co-facilitator position; a half-time

program assistant, and adding a small amount of travel money. Although this expanding program has been very effective, the evaluation team wondered if some problems may develop because of cross-management, since people from one agency are supervising people from another agency.

#### **Case Study: A Domestic Violence Program that Struggled to Receive Its Funding**

The roots of this program stem back to the 1970's and 1980's when general social services were begun. In 1987, social workers were added to the health center, and in 1988 the social services division and health division were joined to create the Human Services Division. In 1989 the first women's advocate was hired who dealt with sexual assault, child abuse, and general crime victims, including the elderly. The program received STOP grant money in 1997. In 1998 another grant was awarded, but never funded. Program employees tried persistently to determine the reason for this. At the time of the evaluation team site visit, this funding had not yet been received and the program staff expressed frustration regarding the time taken from work in trying to straighten out the evident bureaucratic gaps. The coordinator commented: "So this release [of funds] never got to the finance people. I've been talking to the finance people off and on and they keep going back to this. They need this release from the program site and it's just been a run around since then."

Other programs also mentioned some of the problems and barriers related to delays in the release of funds, and the persistent efforts they had to make to eventually receive their funds and establish their programs as fully functional. For these programs, getting coordinated with the NIJ office and grant managers has posed a challenge.

#### **Location of Program Administration**

Each of the 123 STOP funded programs that were evaluated are culturally, geographically, socially and politically unique. This is reflected in the ways in which different programs address violence against Indian women. As *Figure II.5. (Where All Programs Are Administered)* indicates, tribal STOP programs are administered out of a variety of different agencies: the tribal prosecutor's office, the tribal court, a tribal law enforcement agency, a tribal government or inter-tribal consortium, the department of health and human services, social

services, victim services, or a shelter. In some cases the administration is shared between a variety of agencies. For the purposes of this evaluation report and for confidentiality reasons, most of the programs are identified and discussed in terms of where they are administered. By organizing the data on the various programs as to where they are administratively housed, it becomes evident how this administrative home shapes the program objectives, goals, and processes.

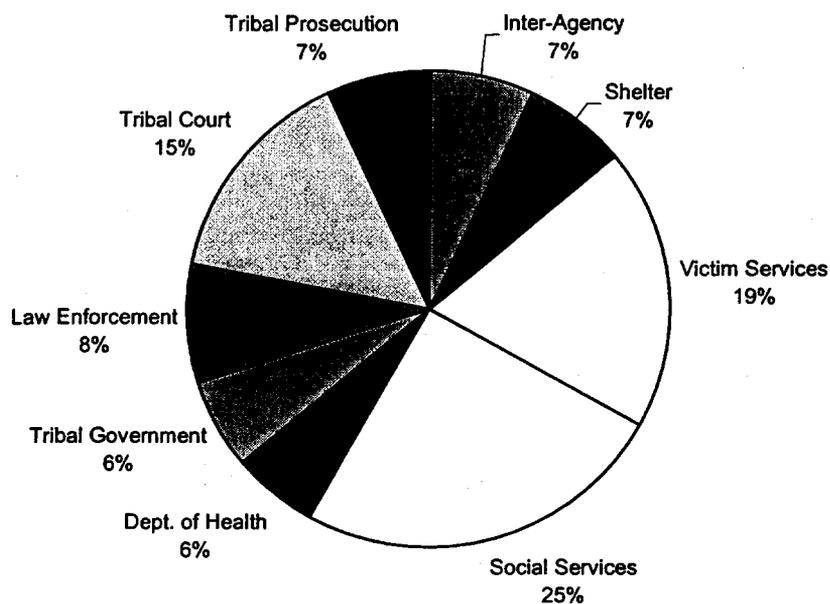
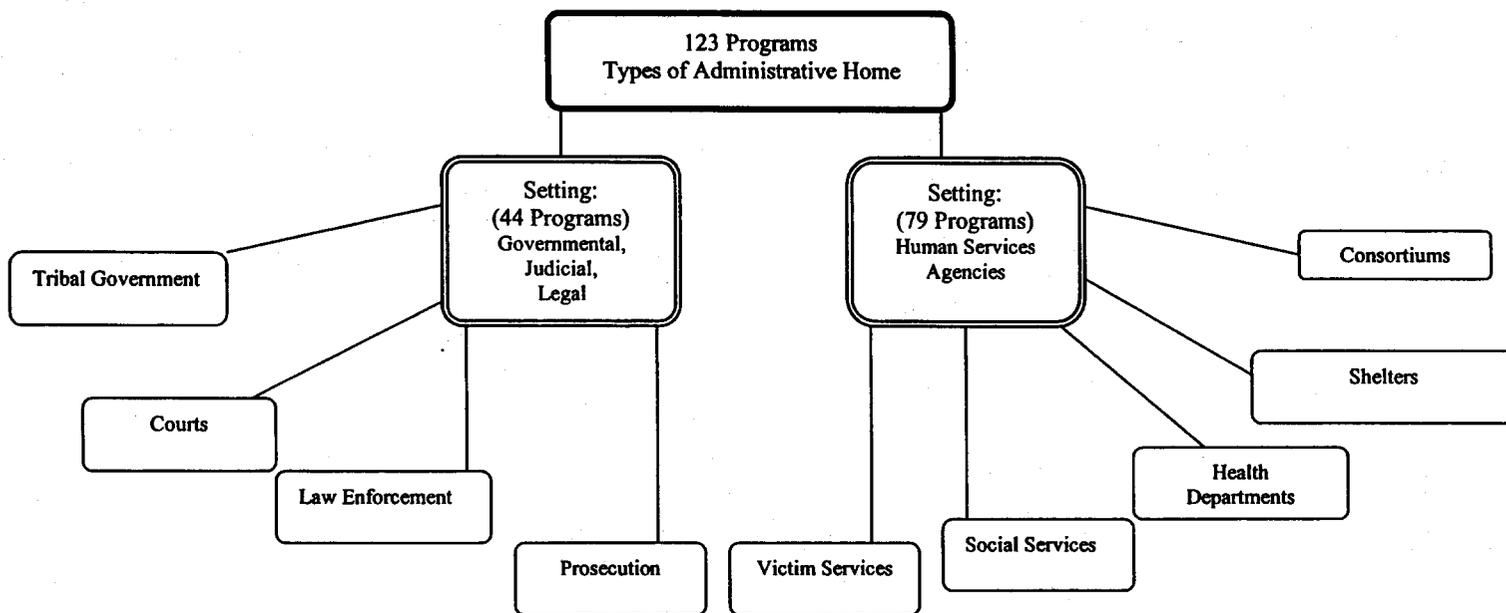


Figure II.5: Where All Programs are Administered. N=123

The nine different types of administrative homes for the STOP programs may be further divided into two categories: those housed in a governmental, judicial or legal setting; and those in a human relations agency. Forty-four of the programs are housed in the former, and seventy-nine are administrated out of the latter. Key philosophical, professional, structural and procedural differences exist between these two major categories of administrative home. These in turn affect process and outcome. These different administrative homes also often contribute to program strengths and weaknesses. These issues are discussed throughout this report.



**Figure II.6: Types of Administrative Homes-All Programs. N=123**

### Availability of Victim and Legal Advocates

The availability and type of advocates that a program uses is often a reflection of the program's administrative home. Victim advocates are more available than legal advocates in each type of administrative home. In human services-based programs, victim advocates are available in 100% of the programs (7.6% of these advocates however, originate from non-STOP funds), while legal advocates are only available 89% of the time (11% of these advocates originate from non-STOP funds). Both types of advocates are available in 89% of the human services-based programs. In governmental/legal-based programs, victim advocates provide assistance to victims in 98% of the programs (27% of these originate from non-STOP funds), and 86% offer legal advocacy (23% of these originate from non-STOP funds). It is notable that no more legal advocacy is offered in the government-based programs than in the human services-based programs. However, the government-based programs draw substantially more funds from other sources in order to provide their advocacy services.

The nature of the advocacy offered, however, does differ when looking at these two types of administrative homes. 12% more government-based programs reported providing help with protection orders than in human service-based programs. As might be expected 15% more of the human service-based programs reported offering one-on-one counseling or group counseling than the government-based programs did. Similarly, 13.2% more human service-based programs had twenty-four hour on-call advocacy services; had 18% more women's groups; 13% more referrals to emergency shelter services; and 9% more provided transportation than the other group.

These differences are not large, but they are significant. Many of the noted services are those that victims indicated in their interviews were from their viewpoint "best practices" and fundamental to their well-being. These differences found between the two types of administrative homes do indicate the specialized effort that governmental-based programs must go through in order to provide services such as counseling, women's groups, and transportation. The two types of administrative homes for the programs differed little on other important types of advocacy. 18% of each group had hotlines, and each equally provided referrals, gave help with child protection advocacy, offered food, clothing and help

with permanent housing, as well as crisis intervention. However, the availability of some of these services is alarmingly low for both types of program administrative base, especially with regard to the availability of food, clothing and assistance with permanent housing.

### **Program Goals and Objectives**

Program mission statements serve to give a broad, often general, idea regarding how a program envisions its purpose. For example, one program, which is housed in the prosecutor's office, states its purpose as being, "to produce and strengthen the response of our tribal justice system to violent crimes committed against Native Women and children in our community." Another program that is housed within social services states that their purpose is to "provide those services to educate, promote prevention of domestic abuse and adhere to zero tolerance of domestic violence within the Native American communities."

The programs' broad visions that guide their work are likewise reflected in their mission statements' goals and objectives. For example, the domestic violence program administered out of three different agencies of the Navajo Nation (social services, public safety, and prosecution) clearly defines their program goals to include the following:

1. To receive approval on the Criminal Code for Domestic Violence
2. To receive formal approval on the Domestic Violence law enforcement protocol, which includes dispatcher protocols as well
3. To draft a protocol for prosecution
4. To form a legal advocacy service for victims of domestic violence
5. To expand training and educational efforts to include other Navajo Nation tribal entities, such as the courts, probation, emergency medical teams and others
6. To develop curriculum to raise awareness and education on domestic violence
7. To educate on the proposed new criminal and civil domestic violence codes

Each program creates their goals based on what is needed in their specific communities. While the program on the Navajo Nation is focused on establishing protocols and improving the legal system's response to violent crimes against women, other programs may create their goals to address a variety of other issues such as agency coordination, training, and improving victim services. The following is a list of goals submitted by a program

housed within a victim services agency that illustrates other types of program goals that contrast with those of the Navajo Nation.

- To develop a Coordinated Community Response to Domestic Violence and a Task Force
- To hire and train a Domestic Violence Advocate and to hire a Tribal Supervising Domestic Violence Attorney
- To coordinate a community awareness campaign relevant to revised Tribal Domestic Violence codes
- To employ a Domestic Violence Consultant who would continue working with Tribal Law enforcement to draft a tribal domestic violence protocol manual for both law enforcement and the prosecutor's office
- To gain approval of law enforcement protocols and manuals by the Tribal Council (1999) and carry out training of law enforcement personnel on the new protocols and manuals. To initiate, evaluate and revise the use of the law enforcement protocols and manuals and publish and distribute the revised protocols and manuals
- To revise and approve prosecution protocols and manuals and provide training to prosecution personnel on these protocols and manuals. To initiate, evaluate and revise the use of the prosecution protocols and manuals and publish and distribute the revised protocols and manuals
- To organize a Domestic Violence Awareness campaign for the Tribal Pow-wow. Campaign goals: to provide community members with educational and informational brochures about domestic violence, victims' rights, victims' services and local, tribal and state resources
- To develop a comprehensive tracking system
- To conduct a tribal survey regarding sexual assault, and to compile and analyze that data
- To effect the preliminary design of a tribal sexual assault program
- To establish a Domestic Violence volunteer program
- To provide basic sexual assault training for Tribal Social Service providers, law enforcement officers, and members of the tribal judiciary system

- To conduct three domestic violence and sexual assault training sessions for victims of domestic violence.

When asked during the evaluation about the success of reaching the proposed objectives, the program manager stated, "It's working well, but it could be working better...that's a process I am sure is going to continue to evolve. I am trying to make sure our resources are better used."

The more mature a program becomes, the more their goals and objectives are clarified. For example, a representative of the Inter-tribal Council of California's domestic violence program admits that during the first grant round they proposed to do too much. They have since modified their goals. "I know we were a little overzealous in what we thought we could get done in the first program. So we kind of had to back ourselves off and say, 'we can't really do all of this.'" Other programs that came to similar conclusions chose not to only identify their objectives, but instead, for example, brainstorm the specific tasks necessary, and then set a time line. This strategy helped to relieve the pressures of unrealistic goals by breaking them down into specific actions that must be carried out by named individuals who are to share the responsibilities of achieving specific program goals.

One program that is administered out of social services designated an "Implementation Plan" with specific tasks as follows:

- Obtain materials from other sources to use as guidelines
- Consult with other police departments
- Draft procedures or protocols to be used by law enforcement officers when responding to domestic violence situation
- Legal review of policies under the direction of the Attorney General
- Seek tribal council approval.

Each of these tasks are then assigned to specific people to be completed by a given date.

## Barriers in Addressing Domestic Violence

Some of the major barriers that programs have encountered include the following.

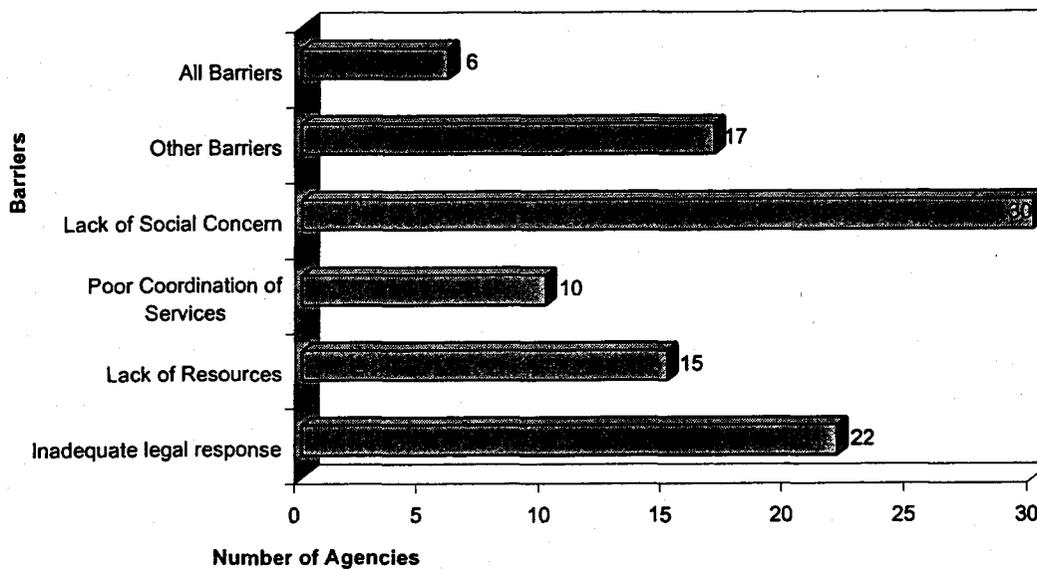


Figure II.7: Barriers the Agency Encounters When Helping Women. N=56

Lack of Resources and Isolation. Native Americans often live in remote, under-served areas in which services are not easily accessible. Also, in some communities transportation and telephone services are difficult to access. The lack of financial and personnel resources has hampered the efforts of some tribal communities to deal with violent crimes against women.

Training. Many tribal and non-tribal agencies lack the appropriate training to effectively respond to violent crimes against women.

Jurisdiction. Jurisdictional complexities often interfere with the quality of services that Native victims of domestic violence and sexual assault receive.

Staff Turnover. Staff turnover has been a problem for many programs.

Confidentiality. Because of the small size of tribal communities, there is a great concern over agencies being able to maintain confidentiality. It is not uncommon for victims to

personally know or have some sort of relationship with those people such as tribal judges or law enforcement officers who respond to domestic violence or sexual assault calls.

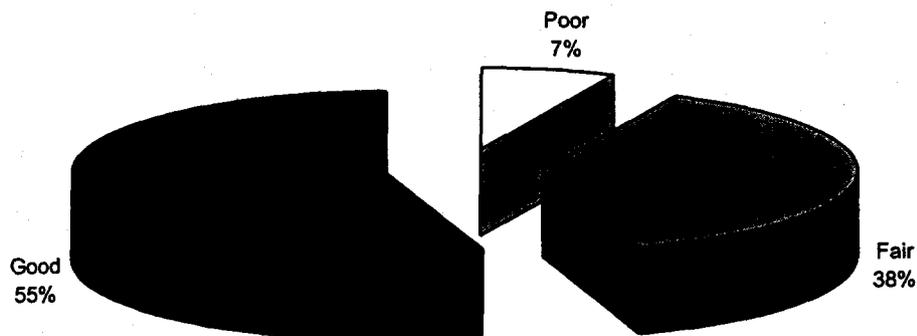
Communication. A general lack of communication and coordination among agencies and governments has been an issue that every program has addressed in various ways.

Denial and Resistance. Many of the programs have expressed their concerns over the lack of community awareness or willingness to address domestic violence and sexual assault. This struggle extends to many tribal councils that are often resistant to passing domestic violence codes. In addition, many non-tribal agencies have demonstrated a general lack of cultural understanding, which prevents many Indian people from seeking non-tribal services.

Many of these, as well as some of the creative and innovative ways that have been developed to deal with them will be discussed in more depth in Part III of this report.

### Issues of Support

With all of the challenges that many programs face in trying to address violence against women, the levels of support that they receive from the Violence Against Women Grant Office (VAWGO), tribal councils and community members often determine the programs' abilities to address or overcome these challenges. All 123 programs were asked during the evaluation to rate the types of support that they were receiving from tribal community support, tribal government support, and support from VAWGO.



**Figure II.8: Tribal Community Support. N=123**

Tribal community support for STOP funded programs was determined to be “good” by 55% of the 123 programs. “Good” community support is determined by high turnouts to program-organized events and a high number of volunteers who work in shelters as victim and legal advocates, offer their homes as safe houses, or work the hot lines. Also, some programs have community members sit on their task forces, help to draft codes, and organize fund-raising campaigns. The 38% of programs that answered that community support is “fair”, determined that there was some resistance to acknowledging domestic violence. However, their community outreach efforts did receive some response. The 7% of programs that designated their community support as “poor” discussed that the majority of community members refused to acknowledge the existence of the program, or the problems that it was trying to address. Also, in two cases, program managers stated that some community elders expressed their disdain for the program because of their belief that they interfered with family issues.

In terms of tribal government support, more programs actually identified their tribal governments to be more supportive than the community at large. Part of the criteria used to determine “good” support in this case was:

- whether a tribal council member serves on the task force;
- the tribal council was supportive in drafting and passing the domestic violence codes;
- tribal government officials were visible at community events intended to address domestic violence;
- there is a governmental mandate for domestic violence training for different agencies; and
- there is monetary support of the program by the tribal government.

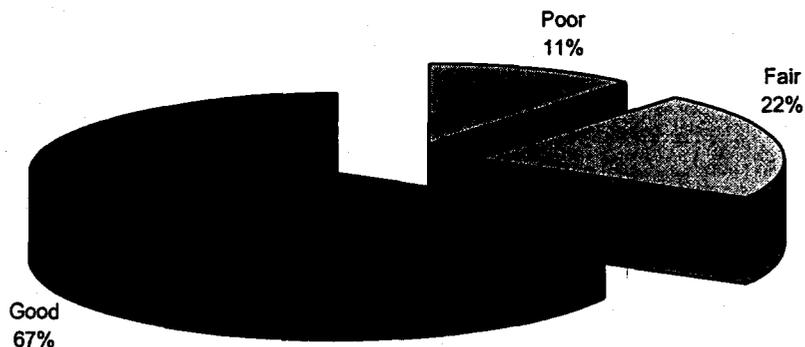


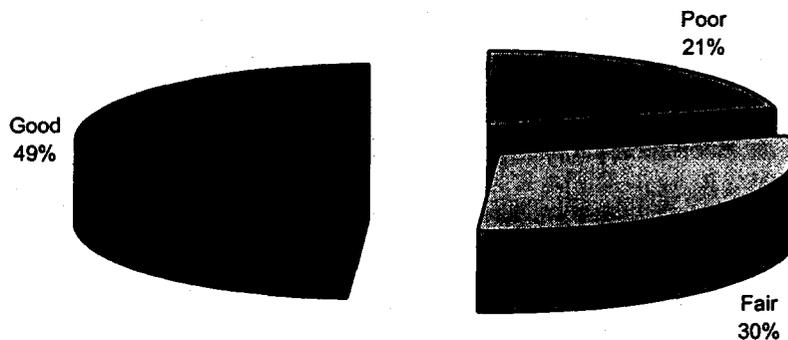
Figure II.9: Tribal Government Support. N=123

In terms of financial support, 30% of all the programs are at least partially funded by their tribal government. To rate the tribal government support as “fair,” as 22% of the programs did, it meant that they were neutral, not overtly supportive, but not adamantly opposed to the program either. “Poor” support, which 11% of the programs indicated their tribal governments were, reflects resistance in passing domestic violence codes, or in helping to partially fund the program, even when the funds are available.

In looking at the program’s assessment of the support extended by VAWGO, 49% of all of the evaluated programs found that VAWGO offered “good” support. This means that their grant managers:

- respond to program staff communication efforts and messages;
- are readily available for technical support;
- give grant updates;
- help with the program budgets; and
- have good program training.

“Fair” support, which 30% of the programs reported, refers to the grant managers who rarely communicate with the program coordinators, but have at least done so on occasion. Many programs used the designation of “fair” if they once had problems with a grant manager, but have since worked through it. “Poor” support as indicated by 21% of the programs, reflects grant managers who do not return calls or keep programs updated on grant changes. Also, some programs expressed a problem with VAWGO’s staff turnover, which has caused problems with communication. It is notable that 21% of the programs indicated that their interaction with VAWGO was poor, whereas only 7% of tribal community and 11% of tribal government support was assessed to be poor. Many programs expressed frustration with the fact that the funding source added additional burdens to the already daunting task of preventing violence toward women. Each of these areas in which full and good support was not present, create distinctive barriers to effective work by the programs. Yet many worked out creative means of dealing with these challenges.



**Figure II.10: VAWO Support. N=123**

### Staffing

Tribal STOP programs often use the grant to fund a variety of full and part-time staff positions. The types of positions that are funded correspond to where the programs are administratively housed, and what their major objectives are. For example, some programs, particularly the ones administered out of the prosecutor’s office or courthouse (22% of programs), are more focused on funding positions that provide legal advocacy. On the other

hand, programs administered out of victim services, social services or shelters (51% of programs) commonly fund positions that are more centered on providing victim advocacy. However, it is apparent that some of the more established programs are funding a variety of positions spread out across the various agencies that respond to violent crimes against women. The following list reflects the range of positions that are funded by the 123 programs that were evaluated. The most common new positions funded with STOP funds are listed first.

- Program director or administrator
- Victim advocate or domestic violence specialist
- Legal or court advocate
- Program secretary or receptionist
- Family intervention counselor
- Child advocate and specialist
- Domestic violence investigator
- Sexual assault nurse or advocate
- Shelter director
- Community educator or outreach worker
- Domestic violence consultant
- Data entry staff
- Tribal police officer who specializes in domestic violence cases
- Domestic violence prosecutor
- Probation officer
- Domestic violence monitor or court clerk
- Men's re-education program counselor
- Tribal judge

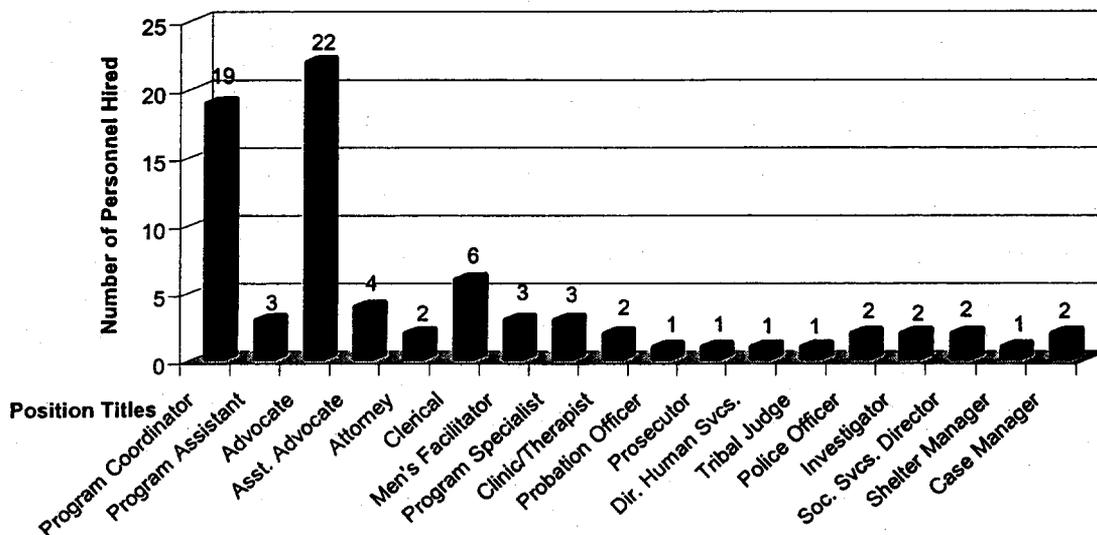


Figure II.11: Staff Positions Hired Using STOP Funding. N=41

Since funding and personnel are limited, many program staff members occupy multiple roles. For example, many victim advocates are also providing legal advocacy, child advocacy, and counseling services. Also, the tasks of program directors often extend beyond the internal administration of the programs. This is reflected in the following set of job responsibilities assigned to the director of one of the programs that is administered out of the tribal prosecutor's office. This individual is expected to do the following:

- network and provide liaison activities with other domestic violence agencies, the police department, and the court;
- maintain grants, correspondence, fiscal management, reporting requirements and other areas of compliance necessary for continued funding;
- assist with the development of policies and procedures followed by the tribal social services department;
- assist the tribal attorney with the development of domestic violence codes;

- establish and maintain an “advisory committee” that represents a diverse cross section of the community. Facilitate the committee in designing a culturally appropriate program with support necessary for attaining collectively established goals;
- assist with training for law enforcement, social services, and any other identified agency; and
- develop culturally relevant training materials.

Additional job responsibilities assigned to program directors in other programs include: organizing public education campaigns, legal and victim advocacy, developing coordinated response teams, and organizing shelters and safe home networks.

Each of the 123 programs funded with STOP grants has a unique internal structure which, to some extent, reflects not only overall tribal values and norms, but also indicates the division of labor in carrying out the work of preventing violence against women. *See attachment A: White Buffalo Calf Woman Society Organizational Chart* from this well-established organization at Rosebud reservation. The STOP grant coordinator comes directly under the executive director of the overall women’s program and is on an equal level with the shelter coordinator and the men’s program coordinator. In contrast, the organizational chart from another community *See Attachment B.: (Another organizational chart)* program indicates that the director of that STOP program is overseen by a tribal community committee, and is visualized as linked to the tribal administration as well as the surrounding community.

Staff turnover has been identified by 30% of all of the evaluated programs as a major challenge and hindrance to program operations. Some of the reasons given for staff turnover include tribal politics, low wages, and job stress. In addition, many programs also experience high staff turnover in other agencies that respond to violent crimes against women, but that may not be directly funded by a STOP grant. For example, one STOP staff person said, “regional hubs [such as a nearby town] have some unique problems all their own. A good quarter of the service providers, particularly the itinerant white professionals, come and go as often as the snow flies and have no real roots or commitment here.” The transitions caused by staff turnover often interrupt services and makes coordination efforts

between agencies more difficult. For this reason, many programs and agencies that serve Native communities, advertise "Native preference with a commitment to stay in the community."

### Program Activities and Services

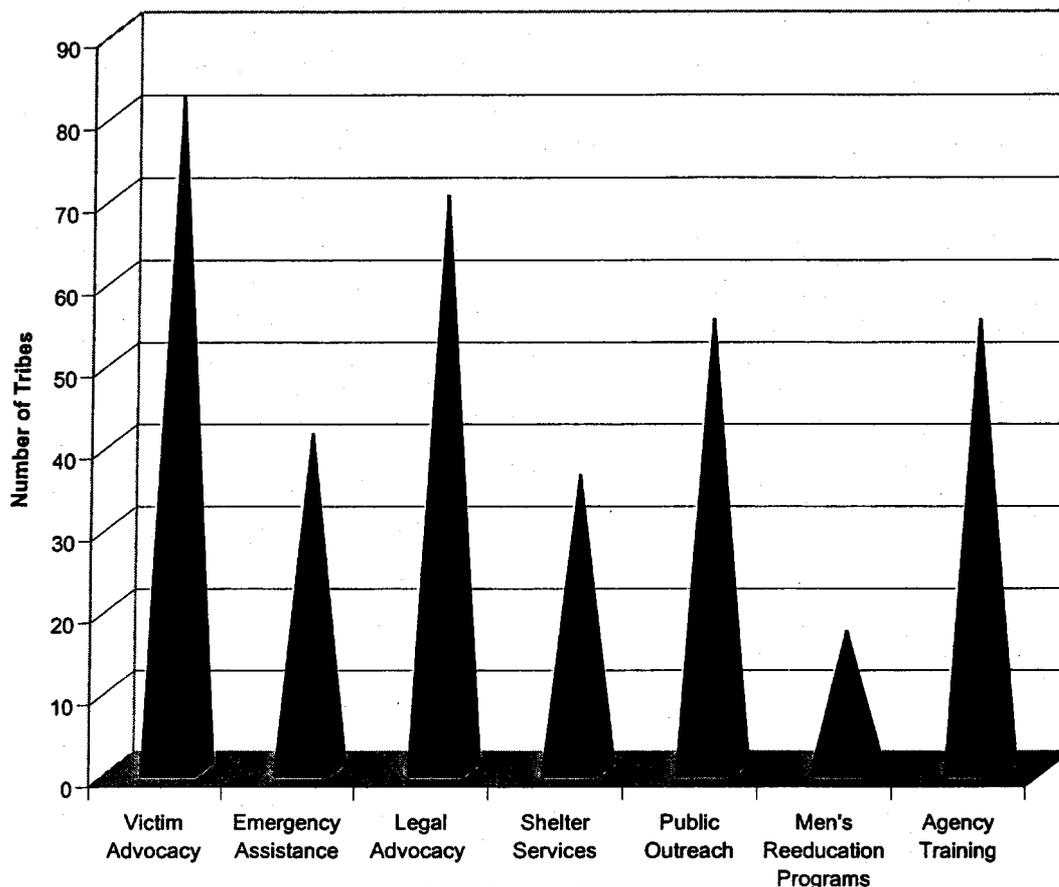


Figure II.12: STOP Funded Services. N=123

During the evaluation, each of the 123 programs has identified the specific services that are STOP funded (See Figure II.12: STOP Funded Services). Victim advocacy, which includes an emergency hotline, has received the most emphasis. Following close behind is legal advocacy, public outreach, and agency training. Finally, smaller percentages of programs are

using the STOP grant to fund emergency services such as food, clothing and childcare, as well as shelter services and men's programs.

The majority of the programs are not exclusively STOP funded. As a result, other services are being offered by some programs that may not have been addressed thoroughly in the evaluation because of these services' alternative funding sources. Overall, the wide variety of ancillary services accessed by STOP grant recipients indicates the importance of successful grant writing, networking, and inter- and intra-community cooperation for STOP grant recipients. Tribal, corporate, federal, state, county and local services, grants and funds provide an integral portion of the services offered by STOP grant programs. 107 STOP grant recipients (of the possible overall sample of 123), including 14 site-visited programs noted that the sources indicated in *Figure II.13* augment STOP grant funds and programs developed in their communities.

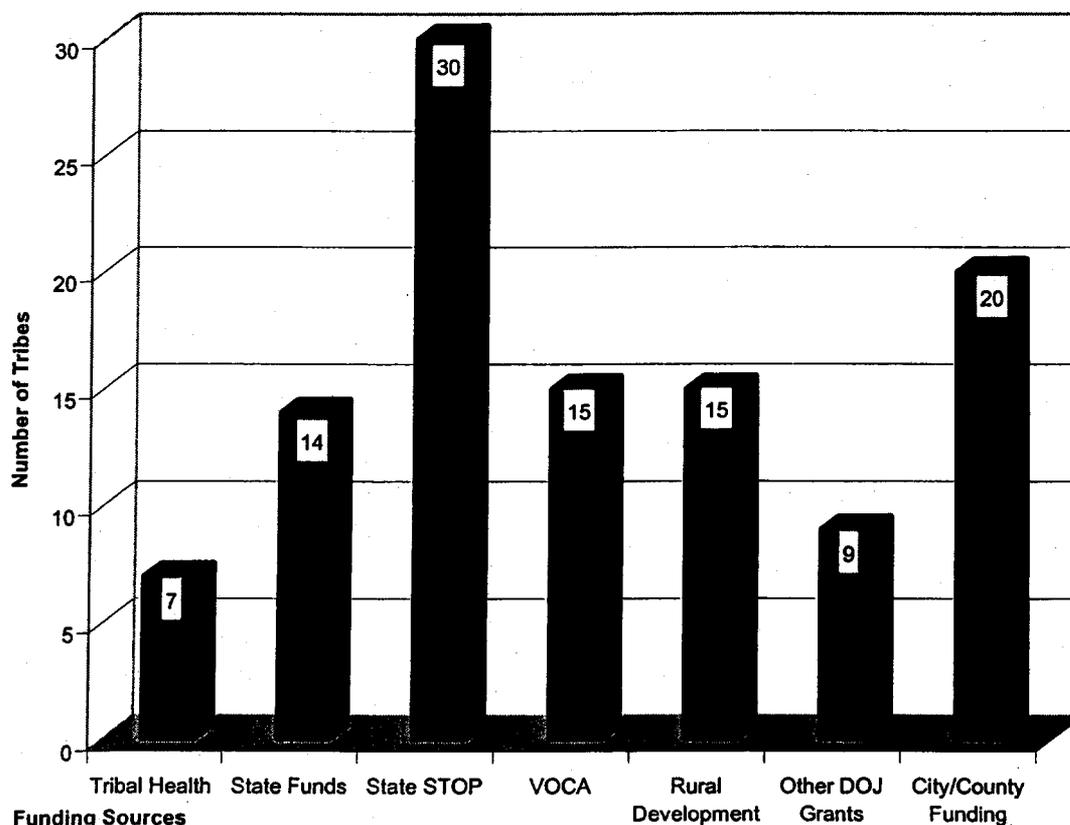


Figure II.13: Other Types of Funding Sources. N=107

Although few respondents in the evaluation identified services by dollar amounts, these data do demonstrate that many programs have been extraordinarily resourceful when developing service delivery programs for their communities. Most non-STOP funding has been obtained from Alaska Native Corporations, tribal governments, or the Bureau of Indian Affairs. Also various federal, state, county, and municipal grants and services provide resources for these programs. In some cases, STOP grant recipients have also developed relationships with individuals or private organizations that augment domestic violence programs. In one instance, an Alaska Native corporation funded their STOP grant program for an entire year, during which time the STOP funds were withheld until the program met funding guidelines. Tribal government funded programs also provide treatment and services to victims of domestic violence through their social services agencies and departments, hospitals or courts. Many of the STOP programs also expand their work with children in families where there has been domestic violence, through seeking funding specifically focused on services for children.

Non-tribal community entities also provide a wide range of services and resources for STOP grant recipients. These include motels, and safe housing, and city or county crisis intervention programs. Some counties in Alaska provide itinerant services for women living in remote villages, while cities and counties in many areas may provide transportation to shelters. One non-STOP program provides transportation to Alcoholics Anonymous meetings for victims of domestic violence. City programs may provide advocates for STOP grant programs, and public schools and other programs may include help to families and victims, Head Start programs, or provide community Youth Centers. One local non-Native radio station provides a STOP grant program no-cost public service announcements and also announces emergency contact information.

One of the most important non-STOP grant resources mentioned by participant groups is the availability of shelters for victims of domestic violence. Tribal shelters, community shelters, shelters funded by non-profit organizations, and county and city-sponsored shelters are a vital resource for STOP grant programs. However, Alaska Native and Native American communities that rely on shelters that are off tribal lands, often have to contend with problems of distance. In Alaska, one shelter provides services for an area that is the

size of the state of Ohio, while shelters in many other areas are located between twenty to one hundred and five miles from the STOP grant program.

### **Satellite Programs**

Satellite programs are extensions of STOP programs in other areas of a reservation or in nearby cities. They are accessible for service recipients who live a distance from the main STOP office. Since satellites demand expenditures and resources, only twenty-six of the 123 evaluated programs have these additional service locations. However, the range is large, from three additional locations to thirty-eight locations attached to one main program.

Satellites are most common with intertribal consortiums because these programs represent several communities. They need more than one site of outreach to meet the needs in these communities. Satellites are particularly important in offering services to remote areas. The advocates emphasized the importance of the satellite to one site visit STOP program. In this community they were able to have one full-time advocate working out of the satellite. This saved travel time for the other advocates who no longer had to go back and forth from the satellite to the main office. Since in this case the satellite is located in an area where women often relocate to begin life anew, the service recipients can receive consistent help. The advocate at the satellite is able to help the survivor of domestic violence during the difficult time of readjustment or in other life crisis.

### **How Service Recipients learned about the STOP-related programs**

The survivors of domestic violence who were interviewed during the evaluation site visits heard of the STOP-related services through fourteen different sources.

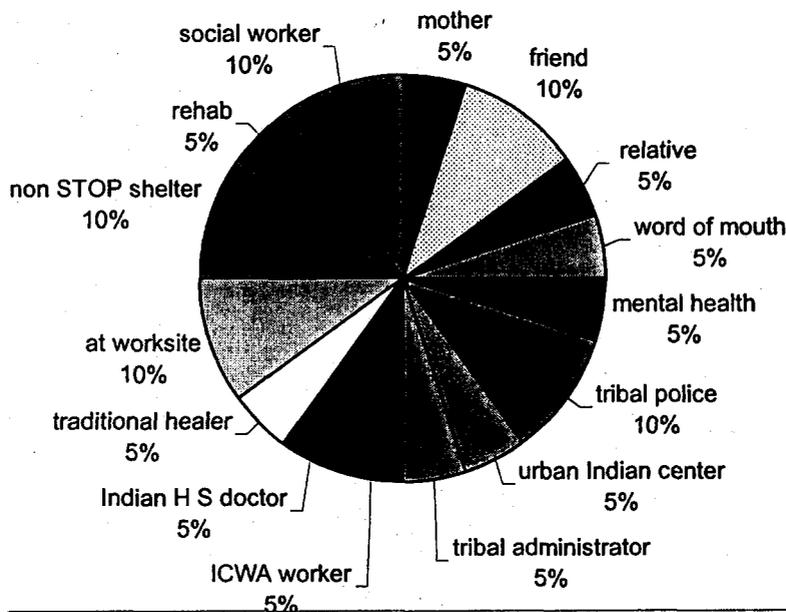


Figure II.14: Source of Referral to STOP Program. Number of Women Respondents. N=16

These referrals show that the networks of tribal STOP programs are useful for reaching out to victimized families. Informing traditional healers, regional shelters, police, local social workers, other tribal health and human service agencies and urban Indian centers of services that are available, allows for an extensive outreach network. The referral from the drug rehabilitation center indicated on *Figure II.14* is from an organization that provides culturally sensitive services, including allowing patients to attend weekly Indian women's groups located at the STOP-related domestic violence center. One of the tribal police represented in *Figure II.14* provides an advocate's card to the survivor at the scene of an incident. Another police officer asked the survivor if he could call the STOP advocate to meet her at the hospital. As shown on *Figure II.14*, shelters outside of the service area of tribal programs tell Indian women residents about tribal STOP services as well. 21% of the sample was referred by friends and relatives. It was also emphasized during the interviews that publicizing the services remains difficult because of the dynamics of domestic violence that

include isolation, control of one's travel, and limiting one's ability to have access the world outside the home.

### Case Studies of Program Activities and Services

One of the direct ways to understand the impact of the STOP grants is to trace program activities over a period of time. In order to do this, an assessment of the three longitudinal site visit programs is provided here as case studies. These programs are the White Buffalo Calf Woman Society, Inc. at Rosebud, the Peacekeepers of the Eight Northern Pueblos, and a third that wished to remain anonymous. They were each funded under the original grant in 1995; first visited by the evaluation team in 1997; and then revisited by the team in 1999.

#### Case Study: White Buffalo Calf Woman Society, Inc. (Rosebud)

- *Staff turn-over patterns.* At the time of the first evaluation site visit in 1997, the program expressed a problem in filling the coordinator's position. The first coordinator only stayed three months. After a month's delay, the second coordinator was hired and stayed permanently. The position of the domestic violence prosecutor, has also been vacant for
- *Increased number of positions.* When the tribe first received the grant, three positions were funded. However, at the time of the second site visit there were six full time positions and four part time positions, all funded by the STOP grant.
- *Law enforcement training over time.* The grant coordinator ran the first training that the police department underwent. During this period, responses that had averaged around 10 to 15 a month, increased to an average of approximately 30 a month. Officials also noted a decrease in dual arrests, which indicates increased on-scene investigation by the police. However, although judges saw an improvement in the quality of police issued reports, the improvement was inconsistent. Some officers showed an incomplete understanding of the domestic violence codes and procedures even after training. In February 1997, the department went through another training that was deemed to be even more successful by the program staff, because a fellow officer ran it. In 1998, the law enforcement training was conducted by Sacred Circle, a national resource center to Stop Violence Against Women in Indian Country

- *Increased interagency coordination and referrals.* As a result of the mandatory interagency domestic violence workshop that the program held, the program director feels that more overall awareness among agencies exists. Systems of sharing information between agencies are increasingly moving from informal to formal.
- *Activities.* Between the first and second site visit, the following activities had taken place:
  - a police protocol was developed, but not yet developed by the 1999 site visit
  - increased advocacy in the courtroom
  - new computer system and software to track domestic violence cases in use by the court and law enforcement
  - increased community outreach in schools
  - the establishment of the child advocate position
  - more resources in the shelter for the women to access.

#### **Case Study: Peacekeepers (Eight Northern Pueblos)**

Between the first and second site visit, the work of the Peacekeepers accomplished the following:

- The establishment of a traveling court system that visited each Pueblo
- The formulation of policies and protocols for police and courts by assisting each Pueblo to enact pueblo-specific codes. Three Pueblos developed and implemented codes. Two Pueblos developed codes, but had not yet implemented them. One Pueblo decided to adopt state codes, and one Pueblo did not yet at the time of the evaluation have codes.
- Training packets have been developed for dispatcher, police, prosecution, and advocates.
- A legal clinic has been developed.
- An information gathering system has been established and is followed with varying success by the various Pueblos.
- The Batterer's Reeducation program has been extended from twenty-four sessions to thirty-six as a response to attendants' requests.

### **Case Study: Another Community Showing a Distinctive Pattern of Activities**

Another tribal community (that wished to remain anonymous) showed the following pattern of activities between the first and second site visit.

- Community awareness efforts have been increased
- Collaboration between the shelter, police and other agencies has improved
- A comprehensive domestic violence sexual assault codes have been passed
- Law enforcement protocols have been drafted and implemented
- The counselor is now a regular staff person under the grant
- Victim services have developed a questionnaire for victims
- Grant writing is now carried out by the counselors, rather than administrators that puts them more in touch with the grant requirements.
- Counselors note more cases since "the word is getting out"
- Transitional Living Program established for housing
- More flexibility in "the rules" at shelters
- More cross-deputization agreements established
- A child advocate and sexual assault advocate have been added
- The shelter now has an 800 crisis call number.

### **Program Self-Evaluation**

In the mailout survey with a return sample of 56 programs, some of the methods of self-evaluation were reported when the question was asked, "How will the effectiveness of the STOP project be evaluated?" (*Figure II.15: Tribal Program Internal Evaluative Methods*). Based on this set of responses, collection and analysis of statistical data is the most desired evaluation being used. Overall, STOP programs utilized formal and informal self-evaluations and needs assessments to measure their progress, effectiveness, and the needs of the communities they serve. For example, one tribally affiliated shelter provides an evaluation form to guests when they leave. The form asks about staff, support groups, counseling, children's activities and counseling, and about needed changes to meet the survivor's and her children's needs.

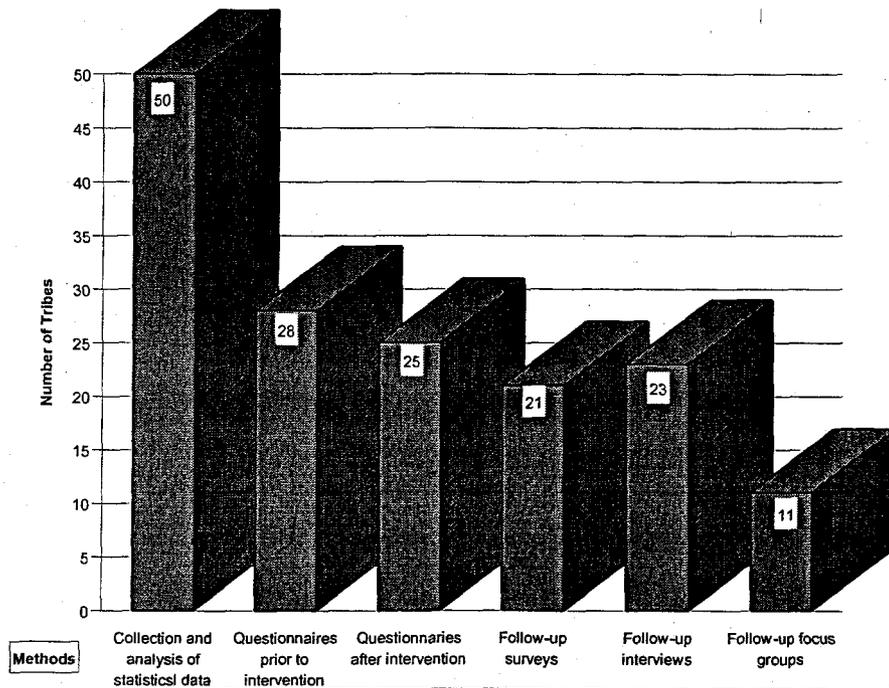
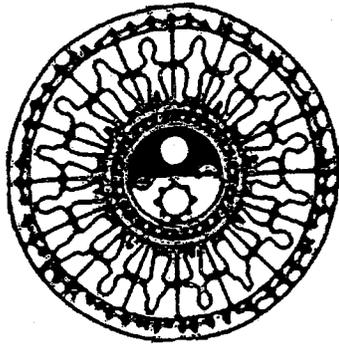


Figure II.15: Tribal Program Internal Evaluative Methods. N=56



## PART III. PROGRAM ACTIVITIES AND INNOVATIONS

This Part of the report looks at various activities that have been stimulated by or made possible through the STOP grants. Some of these topics including law enforcement, prosecution, and non-profit, non-governmental victim services are categories mandated by the STOP funds contracts. Other topics or categories of program activities such as codes and ordinances and agency training came about as a part of the 25% of each grant that is discretionary.

### A. CODES AND ORDINANCES

#### **Jurisdictional Issues**

The complex cultural, political, and legal history of Indian and non-Indian relationships plays an important role in understanding Indian self-government and contemporary tribal efforts to reduce violence against Indian women. Congressional and Supreme Court mandated limits on tribal jurisdiction create a complex and often confounding arena in which to design and administer tribal programs, including those that address violence against women. Jurisdictional uncertainty exists for many tribal governments regarding the scope of their authority in Indian Country. Programs like STOP play a vital role in empowering tribal governments, thus allowing them to assert and strengthen their sovereignty and control over the most appropriate and effective response to violence against Indian women.

Specifically, there are four important jurisdictional issues facing a number of the STOP programs:

- 1) The Major Crimes Act was passed in 1885 by Congress. This Act mandated federal jurisdiction over felony prosecutions of tribal members;
- 2) "Checkerboarding" of land ownership on reservations as a result of historic federal Indian policies, under which Indian reservations were divided into small tracts of land that were

allotted to individual tribal members. Once allotted, those lands became vulnerable and most were subsequently transferred out of Indian ownership, often through illegal and fraudulent dealings. The 'remaining' lands within reservation boundaries were opened up for homesteading by non-Indians;

3) Public Law 83-280 (P.L. 280) passed in 1953 and was amended in 1968. It established limited state jurisdiction over criminal and some civil acts in Indian country. As a result, jurisdictional powers are concurrent between the tribes and state; and

4) The distinction between full faith and credit and comity. Full faith and credit is a constitutional requirement that a state honor another state's court orders and judgments. The question of whether full faith and credit applies to Indian tribes remains a legal issue. Comity is the courteous recognition of the laws and judicial decisions of the courts of one state or jurisdiction by another state or jurisdiction. In addition, the VAWA provides that any protection order issued, and that is consistent with the Act's provision, "by the court of one state or Indian tribe...shall be accorded full faith and credit by the court of another state or Indian tribe...and enforced as if it were the order of the enforcing state or tribe" (For additional detail, see Luna et al, 1999).

An additional complexity is that there are basically five types of law enforcement in Indian Country (See Luna 1998:75-86). These are not mutually exclusive, and frequently operate simultaneously within a reservation. They are:

*Bureau of Indian Affairs (BIA):* The BIA provides law enforcement services for a number of tribal communities. BIA police are federal officers who report to the Bureau (which is housed in the Department of the Interior), and have little accountability to the tribes they serve.

*P.L. 638:* The 1975 Indian Self-determination and Education Assistance Act (Public Law 93-638) provides the opportunity for tribes to contract with the BIA to take over certain specified functions and/or services previously provided by the BIA. Tribes that exercise this right under P.L. 638 agree to some oversight, in the form of reporting, by the BIA in exchange for funding to provide these services.

*Tribally Funded:* Tribally funded police enjoy perhaps the most freedom to implement community-oriented ideas within law enforcement. Tribally funded police are accountable to the tribal government directly, with no federal oversight. Because of the freedom inherent in these agencies, tribally funded police vary significantly from reservation to reservation in terms of training, policies, and protocols.

*Self Governance:* The Indian Self-Determination Act of 1994 (H.R. 4842) provides tribal governments with the power to petition the Secretary of the Interior to grant funds for the purpose of "strengthening or improvement of tribal government", including providing law enforcement services. While there is a reporting requirement under Self Governance, the nature and the content of reporting are not enumerated.

*State Law Enforcement under Public Law 280:* Under P.L. 280, tribal communities fall under the jurisdiction of state and local law enforcement. Because of the remote locations of some tribal communities, xenophobia and racism pose problems with non-Indian law enforcement providing services to Native populations. As a result, some P.L. 280 tribes are forced to develop their own community-oriented security or do without these services.

Tribal police or tribally-funded police must operate within a jurisdictional maze that is dependent on the Indian status of the persons involved, the location of the incident, and the existence or absence of specific tribal, state, or federal laws. The level of cooperation between various tribal and non-tribal law enforcement agencies affects response to violence against Indian women.

These jurisdictional issues also dictate the agency authorized to prosecute the defendant. The prosecuting agency may be the tribe, the state, or the United States Attorney's Office. In certain circumstances, jurisdiction of the case may fall within more than one of these prosecuting agencies. The jurisdiction to charge and prosecute a perpetrator of domestic violence is determined by federal statutes, case law, treaties, and tribal legislative codes.

In tribal communities, various types of federal, state, and local law enforcement agencies that may be tribal, county and municipal provide assistance in cases of sexual assault and

domestic abuse. Programs must be designed to meet the needs of the Indian women to be served, as well as address attitudes towards domestic violence and sexual assault. They must also work with limited resources, and the complex legal and jurisdictional issues. Indian communities often may lack the financial, human, and institutional resources to implement an effective crime prevention strategy.

The diversity of the evaluated programs is reflected in the various ways they have developed and implemented their domestic violence codes and protocols. In addition to looking at the process through which these codes were developed, a major component of a best practices evaluation is to see the ways in which the following issues are addressed: sexual assault, stalking, mandatory arrest, mandatory holding periods, collateral arrest situations, victim notification, and victimless prosecution. Each program varies in their interpretation and coverage of these issues, which is the result of a number of factors including jurisdictional complexities, the degree of tribal governmental support, and cultural and historical grounding.

#### **State Domestic Violence Codes**

Due to these jurisdictional considerations, (see discussion of these in the STOP preliminary evaluation report: Luna et al, 2000: 43-46) such as P.L. 280 states, many STOP grant programs are subject to state codes. However, the state laws are deemed by many of the respondents in the evaluation research, to be unresponsive to their needs. For example, state codes often stress mandatory arrest and sentencing, which can result in the removal of the offender from the tribal community. State codes may also stress treatment of the offender in a way that is not culturally acceptable, nor customary to tribal values and traditions. Of the 123 programs evaluated, 21% utilize state codes. There is some variation in the degree of utilization of state codes that is a reflection of where the program is housed. (See *Figure III.1: Programs that Use State Codes*). The programs that are housed in tribal governments, or inter-tribal consortia are more likely to use state codes than programs that are housed with law enforcement or prosecution. This may indicate the willingness (or lack there of) of tribal prosecutors and law enforcement agents to take on a program in which they have little enforcement power. However, it is important to note that many programs

that are subject to state codes, may still develop and maintain their own tribal codes that serve as the tribal council's statements of "zero tolerance" in their communities.

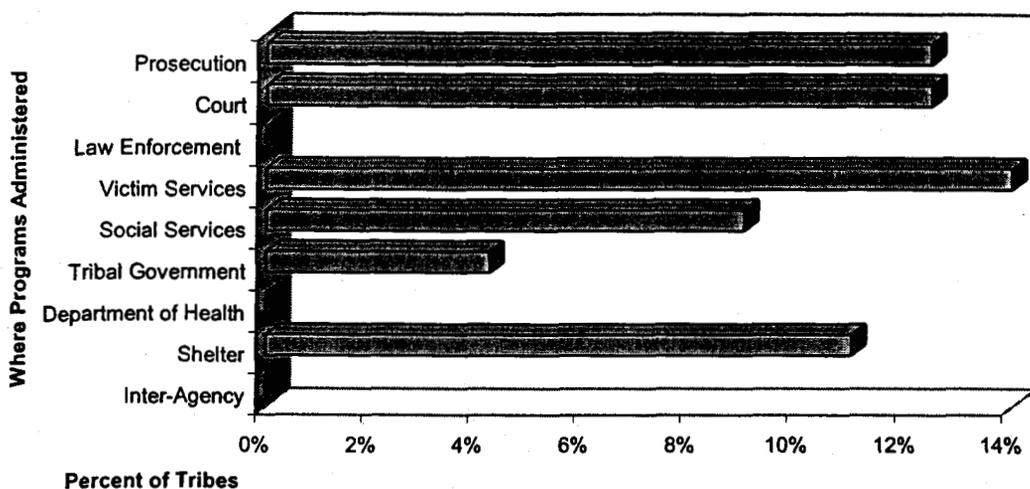
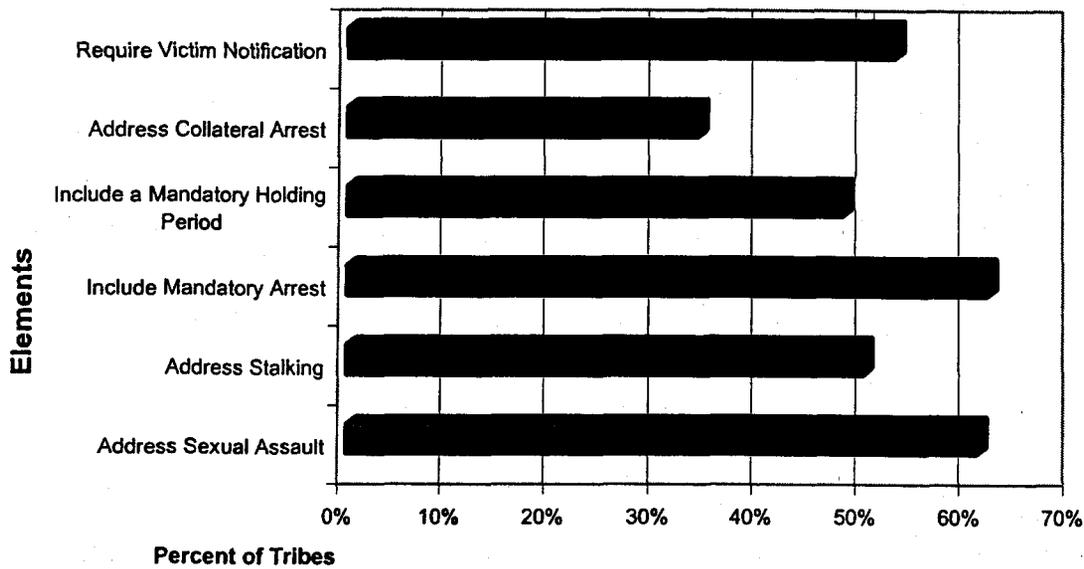


Figure III.1: Programs that Use State Codes. N=123

### Tribal Domestic Violence Codes

Of the 123 programs evaluated, 56% of them have drafted and implemented their own tribal codes that address domestic violence. Another 33% were engaged in the drafting and implementation process at the time of the evaluation. Of the tribal codes that are either adopted or in the various stages of development, only 61% address sexual assault and 50% address stalking in addition to domestic violence. These are comparatively low percentages considering that both sexual assault and stalking are key elements of the STOP grants. Significantly, 33% of the programs began developing their codes after receiving their STOP grants, indicating that the grant directly provided these programs with the opportunity and resources necessary to develop and enact a code that addresses violent crimes against women.



**Figure III.2: Elements Addressed by Tribal Codes. N=123**

*Figure III.3. Tribal Codes* illustrates that programs housed with tribal prosecution or tribal governments are least likely to have problems getting codes drafted and implemented. This figure also indicates that those programs that are more likely to have adopted codes are those housed with prosecution, law enforcement and shelters. It is not surprising that prosecution and law enforcement agencies would make the development and adoption of domestic violence codes a primary objective. However, a high percentage of shelters that have had success in getting domestic violence codes implemented do come as a surprise. The assumption is that, like programs housed with victim services and social services, programs housed in shelters would place their emphasis more on direct victim services, rather than on legal services. Yet, in reviewing the data obtained during site visits, it becomes clear that many shelters are taking great interest in the legal aspects of responding to violent crimes against women by deploying legal advocacy. In a very practical sense, the development and adoption of codes by a tribal community involves intensive inter-agency cooperation and communication. Thus, the percentages seen on *Figure III.3* reflect this successful level of cooperation among tribal entities. This cooperation is equal to, or more than the ability of any one entity acting alone.

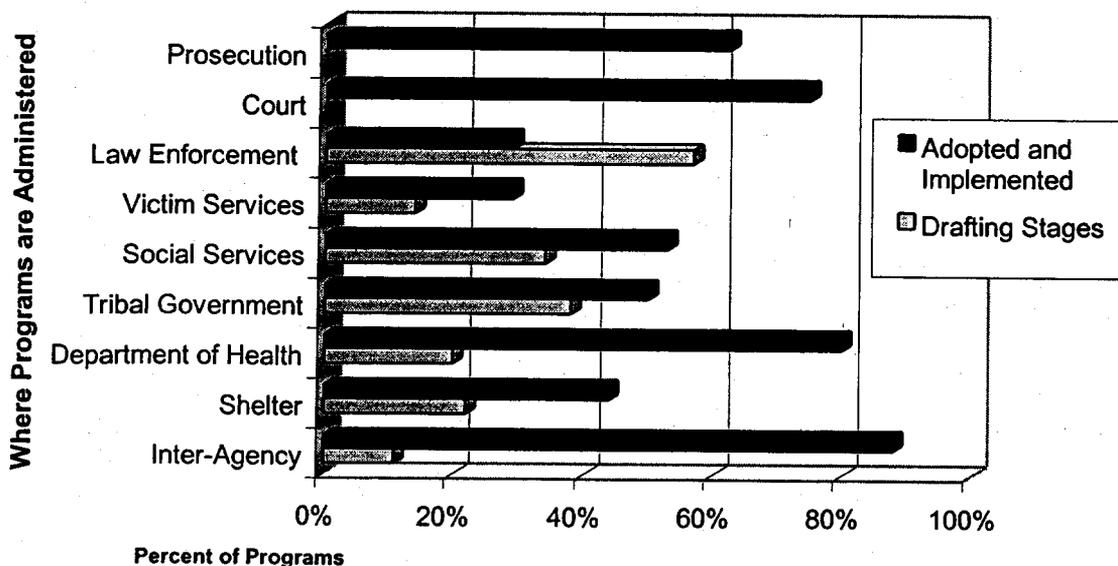


Figure III.3: Tribal Codes. N=123

### Agency Protocols That Address Domestic Violence

The development and implementation of codes that address violence against women is often teamed with the development of formal protocols for agencies to follow when responding to domestic violence cases. (See Figure III.4.a: *Agency Protocols* and III.4.b: *Agency Protocols Implemented*). Of the 123 programs evaluated, 36% have formal domestic violence protocols for dispatchers, law enforcement agents and advocates within the various agencies from which they are housed. Surprisingly, programs housed in social services units are more likely to have formal protocols for dispatchers and law enforcement officers to follow, while programs that are housed with tribal governments are more likely to have formal protocols for prosecutors and victim advocates to follow. This pattern may indicate one agency's attempt to monitor how another agency responds to domestic violence situations. Another way to interpret this data is to look at the term "formal." When program managers were

asked in the telephone interviews whether different agencies had “formal” protocols, many of them said “no,” thinking that because the protocols that they followed were not necessarily written down or passed through tribal councils, then they were not formal. This is apparent in the low percentage of programs that are housed in victim services, social services and shelters that have protocols for advocates. These programs tend to respond to each case differently, depending on the needs of the service recipient. Formal protocols do not cater to this type of response system. On the other hand, the data indicates that domestic violence codes are deemed more effective when accompanied by police and prosecution protocols because case dismissals are reduced when protocols are developed and followed.

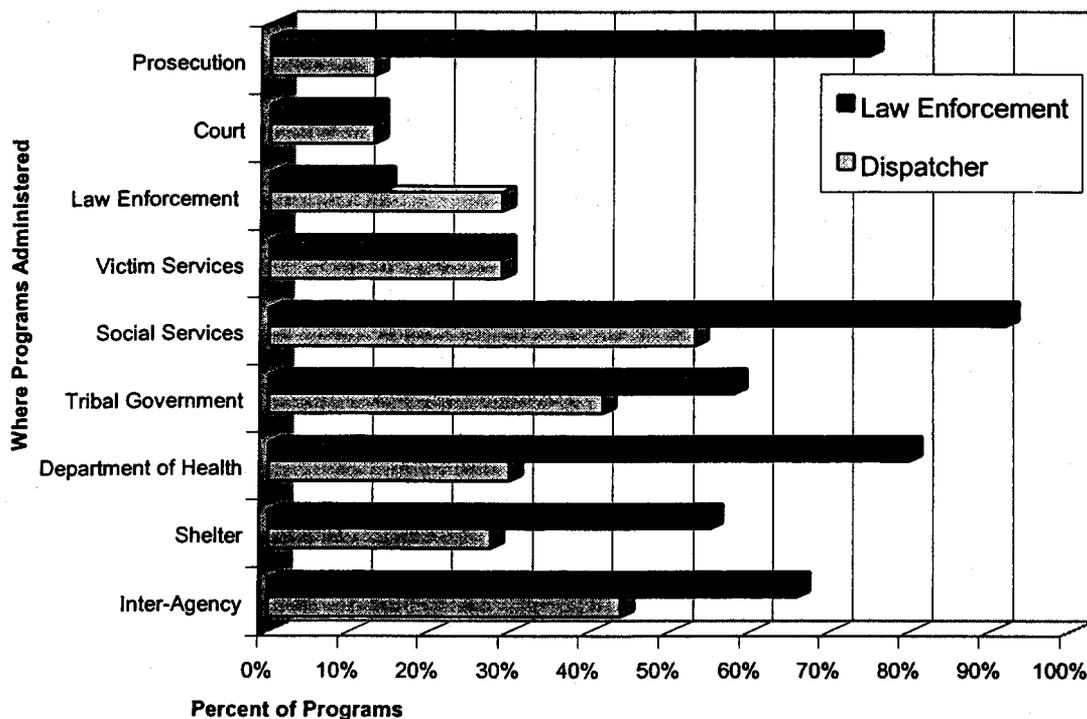
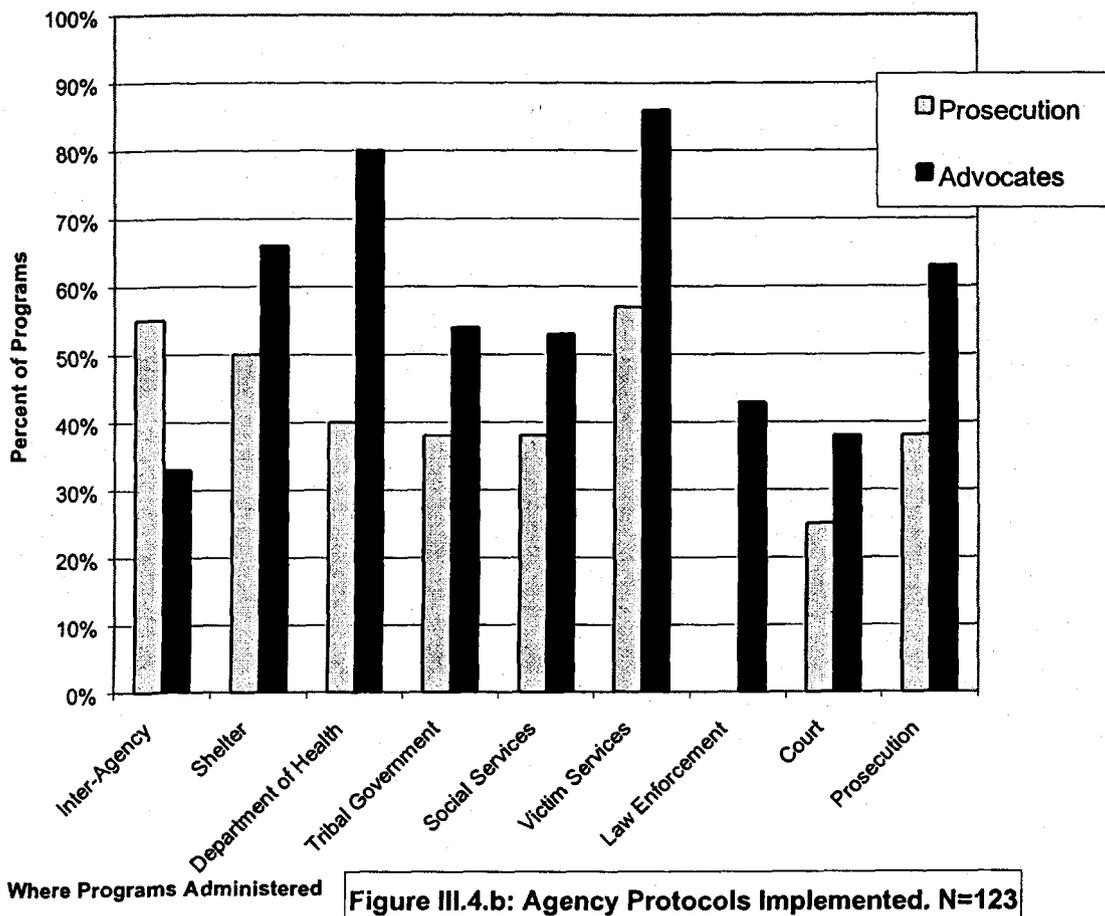


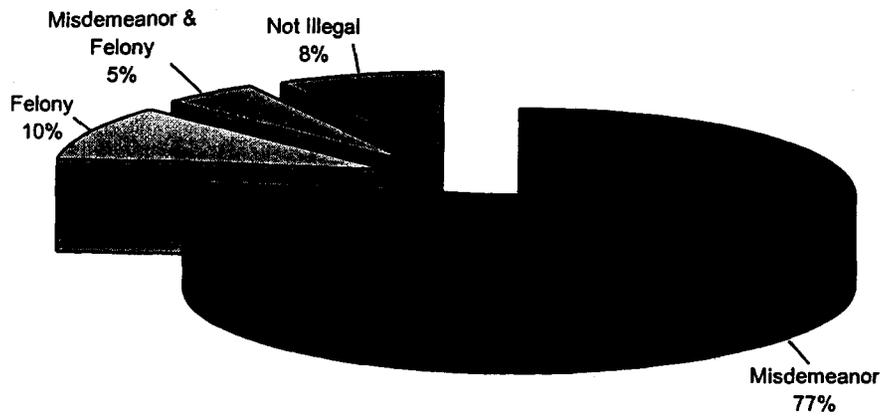
Figure III.4.a: Agency Protocols. N=123



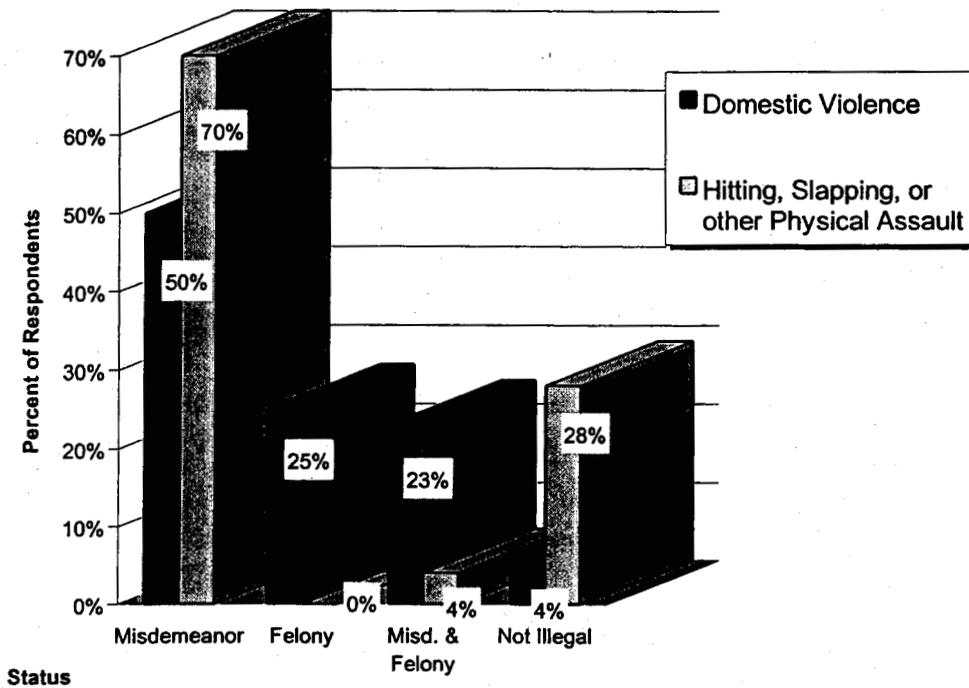
### Penalty Levels

Figure III.5.a. (*Crime Classification for Violation of Protection Orders*) and Figure III.5.b. (*Crime Classification for Domestic Violence and Other Physical Assault*) indicate the ways that various acts of violence directed at women, and violation of protection orders are viewed by programs in the mailout survey sample subset. As demonstrated here, the majority of the programs include domestic violence, and other forms of physical violence, sexual assault, and stalking as misdemeanors rather than felonies. Since felonies on tribal lands come under federal jurisdiction, misdemeanors can be dealt with at the tribal level. Still, other communities are treating some of these acts as felonies, particularly sexual assault. Stalking, on the other hand, is still not being addressed by many tribal communities. This is reflected in the high

number of programs that indicated that stalking was not considered illegal in their particular community. Some of this lack of stalking in the codes may very likely be definitional, so that stalking behavior is considered as another type of violation. As indicated in *Figures III.5a: Crime Classification for Violation of Protection Orders*, *Figure III.5b: Crime Classification for Domestic Violence and Other Physical Assault* and *Figure III.5c: Crime Classification for Sexual Assault and Stalking*, violation of protection orders is considered a misdemeanor by 50-77% of the respondent programs in this sample. The full implication of these data is discussed in the following case studies.



**Figure III.5.a: Crime Classification for Violation of Protection Orders. N=56**



**Figure III.5.b: Crime Classification for Domestic Violence and Other Physical Assault.**  
**N=56**

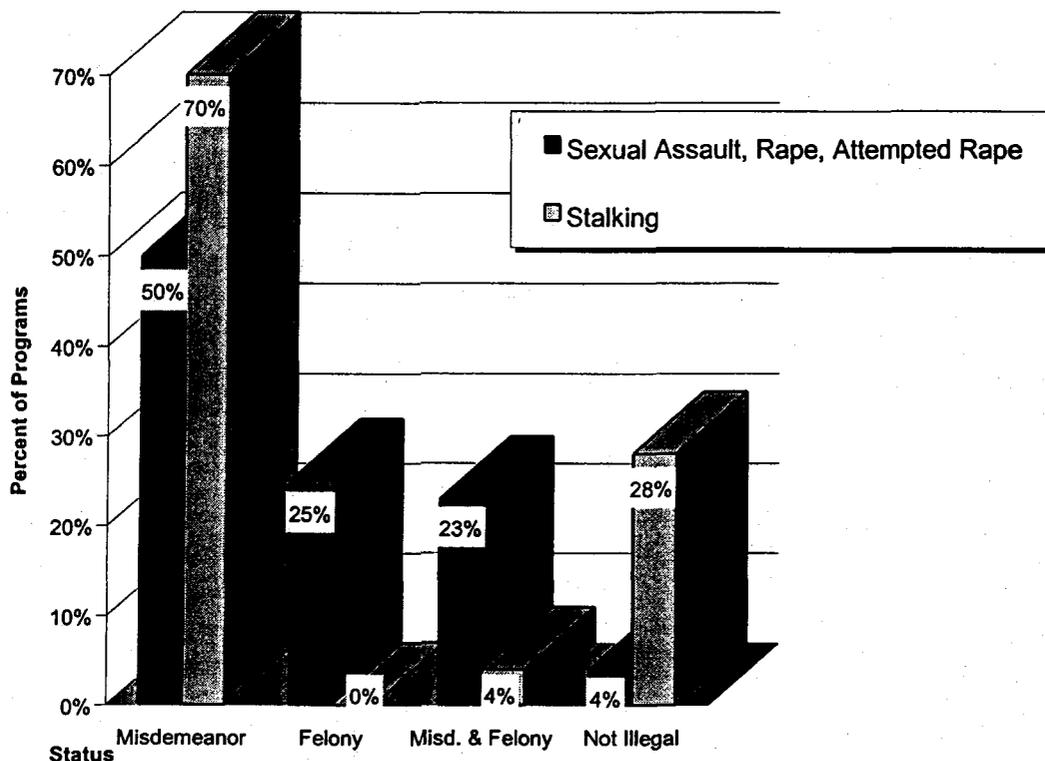


Figure III.5.c: Crime Classification for Sexual Assault and Stalking. N=56

### Case Studies

Moving from this aggregate data, it is useful to look at specific program case studies that best illustrate how some of the programs have addressed the challenges they have faced, and the innovative and creative ways that violence against women have been dealt with. The following programs illustrate the different processes in developing and implementing codes. For example, some programs have opted to create a comprehensive code which includes domestic violence, sexual assault, and stalking, while other programs have decided to create separate codes as the most appropriate way of addressing these issues. Some programs are in the process of adding sexual assault and stalking to their already implemented domestic violence code, and some have taken special care to model their codes after state codes in order to ease cross-deputization activities.

### Case Study: Developing a Model Code – The Eight Northern Pueblos

As an inter-tribal program, Peacekeepers has devised a “model code” in order to assist the seven pueblos that they serve to enact pueblo-specific domestic violence codes. At the time of the evaluation team’s last contact with the program (1999), three of the communities served by the Peacekeepers had developed and implemented codes with the Peacekeeper’s help (See attachment C, “Domestic Violence Code” for one of the Pueblos). Two communities had developed codes, but not implemented them yet. One had developed codes, but later decided to adopt state codes, and another had not started to develop their codes.

Stalking is included in two of the three adopted codes, while sexual assault is only included in one of the three codes. When asked about the extent of sexual assault in the served communities, the program manager and advocate stated,

I think there definitely is a problem, however, from what I’m seeing, if you think domestic violence is kept silent, you should see sexual assault... It’s really not heard of. It’s not talked about. I haven’t heard anything about it. When we went to the dating violence workshop, the social worker who is the counselor at [a local] High School said that there had been seven rapes so far on campus and it was only the end of September. And this is [a local] High School. That’s not the Indian Pueblos, but it speaks to represent. It was a really horrifying statistic.

Other issues such as mandatory arrest, collateral arrest and victim notification are all covered in the “model code.” They are ultimately left to the discretion of individual tribes to incorporate or not into their codes. The actual development and adoption of codes is a challenging process for all of the Pueblos that participate as a part of Peacekeepers, since the governors and tribal counsels have very limited terms of office, usually one year. This was one of the challenges that one of the Pueblos faced when they were trying to develop their domestic violence codes. The process began in 1994 and as stated by a court official,

involved a lot of departments and Peacekeepers was part of that as well. We did submit a draft to the tribal council for their review and in hopes of their adoption. However, it never came to be. I guess the last we heard of the draft it was pending with the tribal attorney at that point, but there wasn’t always a constant request to have it brought back for council review. But this year, in speaking with the tribal prosecutor and Peacekeepers and the law enforcement group, we did sit down together again and we went through the track, and we made some corrections, made some amendments to that and so now I think it’s finalized. Again we will present it

to the tribal council before they leave office and hopefully we will receive some sort of word on that, maybe in January (2000)... We do have a criminal offense as 'assault and battery', but I think that if the code is adopted it will make reference to those statutes as well. Basically, the code will indicate what the definition of domestic violence is, mandatory arrest, and all the other stipulations pertaining to that. Then, what is available civilly in the way of protection and how they're going to be enforceable by law enforcement and hopefully given recognition by the state, as well as, hopefully other tribes. I think that what we've prepared up to this point has a good shot passing through over the next couple of weeks.

Many of the Pueblos have a sizeable non-Native population on and around tribal lands. For example at one Pueblo, a program staff person said, "our population is at the most three hundred tribal members that live in the reservation and seven thousand non-tribal members that live within the reservation that are non-Indian." This Pueblo chose to respond to this issue in their code by stating that all non-tribal members are expected to sign an acknowledgment of the tribal ordinance or be expelled from the pueblo. The attached (*Attachment C*) code from another Pueblo that is also one of the Peacekeepers coalition also includes this requirement of non-tribal members.

### **Protocols**

Since it is also up to the individual tribes to adopt protocols, Peacekeepers developed training packets: *Tribal Prosecution Manual: A Criminal Response to Domestic violence*, *A Domestic Violence Criminal Charging Manual* for tribal judges, and *A Law Enforcement Plan: Reporting Procedures* for tribal police. These training packets were needed, because at the time of the evaluation team site visit, there were no formal protocols for dispatchers, police officers, prosecution, or advocates to follow for domestic violence crimes.

### **Case Study: A Comprehensive Ordinance.**

Another STOP funded program (that wished to remain anonymous) passed a comprehensive ordinance the same year they received their STOP grant. This was accomplished with the help of a tribal judge who was a former prosecutor. This ordinance covers harassment between neighbors, domestic violence, sexual assault, and stalking. The intent of the ordinance is to assure that all residents of the tribal community are treated with the utmost respect, as an individual, and member of a family and clan. This ordinance created a way for people to obtain orders of protection from the tribal court and also have

this order enforced by law enforcement. Prior to this ordinance no statistics were kept, and there was no legal action that a woman could take to get a restraining order.

Need was strongly expressed for this ordinance within the community. At the time that the evaluation team made a site visit in 1999, between 40% and 60% of the caseload of the court fell under this ordinance. A program staff person said that when the ordinance was first enacted, the word got around and it seemed as if "everyone was filing charges under it," until this leveled out a few months later.

Mandatory arrest is a component of the ordinance in which officers are expected to make an arrest if they have any reason to suspect violence. However, one of the service recipients said that she had "made" the police go to look for the perpetrator who had severely beaten her. The police, in this instance, did not find him until the next day. Not only does this ordinance include mandatory arrest, but law enforcement officers, in this case BIA officers, are supposed to start the perpetrator through the process when a temporary restraining order is initiated and the judge is contacted. It is then up to the woman as to whether she wants to proceed. This was not, however, the case in the 1996 experience of one of the service recipients who spoke to the evaluation team. She indicated that the police advised her on the process, but did not do the footwork as the ordinance indicates. According to the ordinance, it is up to the officer's discretion in addressing dual arrest situations. However, the "Memorandum of Understanding," states that no officer shall arrest both offender and victim unless it has been determined that both acted as primary aggressors.

Although this ordinance is deemed as very successful by the program and tribal community, there are still many challenges, interpretive inconsistencies, and restrictions associated with it. One of the major criticisms by the tribal council as mentioned during the evaluation site visit is that the ordinance has created responsibility, but has not provided the funding for people to carry out these responsibilities. Also, in a recent case, a woman received a threatening letter from her partner who was in jail. She wanted to obtain a protection order, but was denied because the ordinance was not designated to address harassment through the mail. An additional problem was mentioned during the site visit regarding the timeline designated by the ordinance. A hearing date has to be set within fifteen days. This may become

complicated if, for example, the particular village in which the incident occurred has original jurisdiction. It then has to make the decision as to whether they will release the case to the courts. At times, this decision-making process exceeds the fifteen-day period designated by the ordinance. As can be seen, a comprehensive ordinance such as this faces a number of challenges in the day-to-day implementation process.

#### **Case Study: Another Comprehensive Ordinance**

The Creek Nation also has a comprehensive code that covers domestic violence, sexual assault, and stalking. It was developed in April 1999, and began implementation in June 1999. This code passed with some protest by some of the tribal council members. As an example of the community education aspect of the domestic violence program, the staff evidently succeeded in convincing supportive tribal council members to pass the code.

Since the Creek Nation has been subject to checkerboarding, they have had to make many efforts to accommodate a complex jurisdictional system. As a result, the language of the code is based on the Oklahoma statutes in order to ease cross-deputization activities. Since the adoption of the new code, there have been several cases filed in the tribal court. A judicial official indicated to the evaluation team that there has been a smooth transition.

The new code includes mandatory arrest. Immediately following a domestic violence arrest, the police officer is expected to advise known victims of the availability of domestic violence programs, of their legal rights, and to take them to a shelter if necessary. Tribal law enforcement has received expert mandatory training regarding these issues. However, one of the major obstacles faced is that they cannot have a set holding period because the tribe does not have their own jail system, and it is costly to have to pay for the use of the county jail.

#### **Case Study: Codes Developed with the Assistance of the Task Force**

The domestic violence codes at another tribal community (that wished to remain anonymous) were adopted in 1998 with the help of their task force. The code outlines a response system to calls regarding violent crimes against women. The protocols for law

enforcement, prosecution and advocates are built right into the code (*See another code, attachment D*). This code interprets domestic violence to also include, but not be limited to, physical, psychological/emotional and sexual abuse of a child, spouse, sibling, and parent or elder. Stalking is not included in this code, but will be added. Sexual assault is addressed in a separate "sex offence" code that was passed a few years earlier.

In order to write this code, the tribal code writer pulled together other tribal codes, as well as state codes, on which to model their code. Once a draft was written, the task force met regularly to make any changes they felt were necessary. Then, it passed from the task force to the business council that consists of eleven elected officers for approval. From there, it went to the tribal council that was overwhelmingly in favor of it.

The code did not create any new laws, since they were already being enforced as a part of the criminal code. What it did, however, was to specify to different programs what their response should be to domestic violence situations. In this regard, it functions as a series of specific protocols, but with the full support and procedural approval of the tribal council and business council. This code also gives victims of domestic violence crimes certain rights in the process, such as notification and the receipt of information by the police. The duties of law enforcement as spelled out by this domestic violence code are the following:

- Taking necessary action to protect the victim;
- Confiscating any weapons involved in the incident;
- Transporting or obtaining transportation for the victim and children to a shelter, at the victim's request;
- Assisting victims in removing personal effects, regardless of ownership, at the victim's request;
- Assisting the victim in getting medical help; and
- Giving the victim immediate and adequate notice of the rights of victims and of the remedies and services available, such as an emergency protection order.

It is not known whether domestic violence cases that are reported have gone up since the creation of the code, but what has changed is how crimes are categorized. Domestic

violence cases are now designated as a recognized and distinct type of crime with a case number and a domestic violence designator.

The code in this tribal community, as worked out by the task force, requires mandatory arrest if the crime occurred within four hours, and a 24-hour no bail mandatory holding period for offenders. The police prefer this because the decision for arrest is incorporated into the code, thereby taking pressure off the victim. During the site visit by the evaluation team, one service recipient recounted her experience. The perpetrator was arrested within an hour after the police came and found him hiding in the nearby woods. Under this code, there is no mandatory holding period. However, there is also no bail for domestic violence violations, so the perpetrators are held until their arraignments. In addition, children are considered victims even if they only hear a fight. This makes it easier to obtain a conviction.

Under this code, in order to determine the primary aggressor, law enforcement must consider:

- Prior complaints of domestic violence;
- The relative severity of the injuries inflicted on each person;
- The likelihood of future injury to each person; and
- Whether one of the persons acted in self-defense.

The code, however, does not address collateral arrest situations. It does provide for victimless prosecution. Also, victim notification and giving information about resources and procedures is required in domestic violence situations. For example, the service recipient mentioned above was notified of her perpetrator's release. This code also allows for the issuing of domestic violence court orders, instead of just protection orders. Also, it allows for a police officer to call a judge and get a protection order immediately. With the establishment of this code, the court can now authorize the removal of the perpetrator from the home, confiscate his car, and collect child support. These actions that were not possible before.

### Case Study: Creating a Code in a P.L. 280 State.

In another tribal community (that wished to remain anonymous), which is a P.L. 280 state, the tribe can only legislate for civil jurisdiction. As a result, they were in the process of drafting a civil domestic violence, stalking, and sexual assault code at the time of the site visit. For approval the codes will be presented to the tribal council, and discussed by the community at three meetings held at the tribal council, the city administrator's office, and the community house. The plan at the time of the site visit was to have the codes enacted by August 1999.

After defining the terms applicable to the participants in the proposed codes, the rules of construction indicate that the codes will not be implemented to interfere with the American Indian Civil Rights Act. That the rights of children will be respected, and the code will be construed in a manner consistent with the constitution and by-laws of the tribe. Other segments of the proposed codes are included with *Full Faith and Credit* materials, *Protective Orders (and Processes) and Violations of Protective Orders*. If the code does not address a particular situation, the tribal court may adopt the process or interpretation most consistent with, or in the spirit of tribal law. In carrying out its mandate, the court may refer to foreign sources of law, such as other tribes, federal, state, and international law for guidance. At the discretion of the tribal court, the court of Elders may certify questions of tribal custom.

As the code was being developed, there was a great deal of concern as to how it would be received by other jurisdictions. One tribal legal expert said to the evaluation team, "What's going to happen when we handle our first civil protection order? What's going to happen? Will it be enforced? Will the tribal citizen obey it? How are we going to incorporate our traditional knowledge? I know it's a real touchy issue in domestic violence...but we have a strong desire to try to heal the hurt."

Under this code, mandatory arrest is required, even if the victim does not want to file charges. A mandatory holding period of twelve hours is required for "cooling off." The law enforcement officer making an arrest under the ordinance is to sign a complaint against the alleged abuser on behalf of the tribe. He or she is then to submit a detailed report of the circumstances of the arrest, along with statements from the victim and other witnesses. Also

collateral arrests are addressed in the code, which includes provisions for the identification of the "primary aggressor." In those situations of apparent "mutual combat" the police officer is mandated to arrest the person who he or she believes to have been the primary aggressor. In cases where the responding officer brings in both parties, the chief of police interviews both individuals and releases one of them after getting a full accounting of the incident.

### **Analysis**

As shown in these case studies, there are a variety of ways that programs develop and implement codes for domestic violence, sexual assault, and stalking. Like the Eight Northern Pueblos, (*See attachment C*) other programs that serve more than one tribal community have also developed "model codes." With 4% of the programs housed in Victim Services, and 43% of the programs housed with a tribal government or inter-tribal consortium, it is apparent that this is one route that many take. Likewise, other programs that are not a part of a consortium also look to state and other tribal codes to serve as models in developing their own.

The development and adoption of tribal codes is a highly political process that often takes a great deal of time and energy on the part of tribal council members, program staff, and community advocates. Turnover in tribal agencies and tribal councils has been a significant barrier to the code development and implementation process in several communities where new people were continuously having to be familiarized with the codes. In addition, several programs were having a difficult time passing domestic violence codes because of resistance from their tribal councils who had members who were either in denial about the problem, or were intimately involved with domestic abuse themselves. Other issues that programs have had to address when developing and implementing the codes is gaining community consensus, making the code culturally relevant, and making the codes compatible with existing tribal or state ordinances. In most of the programs that were evaluated, the domestic violence codes were developed collaboratively with a domestic violence task force that was made up of a variety of agency and community representatives.

Each of the programs discussed in the case studies have had to shape their codes based on their specific needs and resources. For example, the existence of non-Native populations on and around tribal lands, checkerboarded allotments, the complicated nature of Public Law 280, and the lack of jail space, have all posed challenges to various tribal governments working to develop and implement effective domestic violence, sexual assault, and stalking codes. Also, when looking at the codes themselves, versus the actual practice of implementing these codes, it becomes even more apparent that a lack of resources, training and cooperation for some programs has proved detrimental in serving the needs of victims of domestic violence. A tribal code can possibly contain all of the key elements looked for in this evaluation, yet if law enforcement officers are not carrying out these components of the code, it will not be effective.

In addition, many programs have incorporated traditional and culturally appropriate methods, remedies, and sanctions into their codes. For example, some have provided the option of having cases heard by tribal elders or traditional court systems in order to address the problem as a community issue. Others utilize the practice of banishment of abusers. Many of the programs do not have culturally specific sanctions written into their codes, but do utilize culturally specific practices such as spiritual guidance, during the probation process.

#### Best Practices

The most effective programs, in terms of serving the needs of victims, tend to be the ones that implement codes that have a commitment to all aspects of the judicial system. They also provide a strong institutional and societal framework from which they can actually be followed on a practical level. These include practices such as agency training and strong inter-governmental relations and communication. The implementation of clear protocols for law enforcement, dispatchers, prosecutors and advocates, followed by training sessions, are specific ways that some tribal communities have created a smooth juncture between policy and practice.

## **B. LAW ENFORCEMENT**

### **Law Enforcement Overview**

*"The tribal police department responds to at least 20,000 calls a year and of that number, 25% are related to domestic violence which comes to a little over 400 calls a month. I believe that at least two times as many go unreported"* (A Chief of Police on a large reservation).

The STOP Violence Against Indian Women Discretionary Grants contain funding provisions for law enforcement activities that help to reduce violent crimes against Indian women. Law enforcement agencies, as defined by the grant parameters, are any "tribal agency charged with policing functions." Grant funds may be used to:

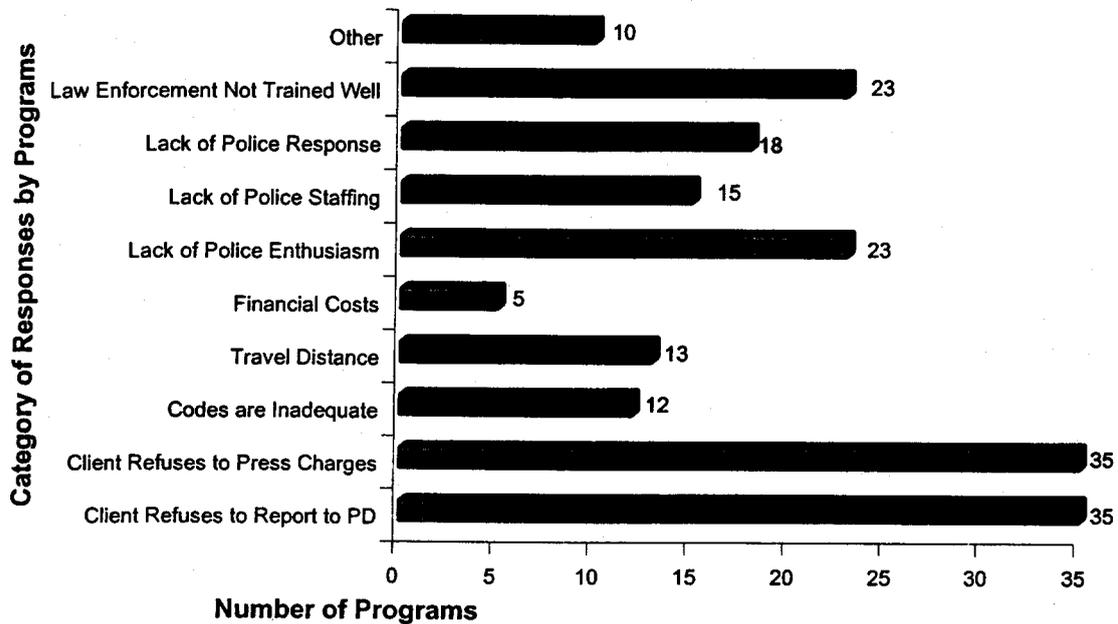
- train tribal law enforcement officers to more effectively identify and respond to violent crimes against Indian women;
- create specialized units of tribal law enforcement officers to target violence against Indian women;
- establish effective tribal legislative codes and protocols for police to follow in criminal domestic violence situations;
- develop information sharing networks and data collection systems linking police with courts and victim services in order to better track offenders; and
- develop coordinated and integrated partnerships with other tribal agencies to address violent crimes against women.

During the site visit interviews, and in response to the mailout and telephone surveys, there were a number of consistently mentioned challenges faced in law enforcement. These included:

- high turnover in staff,
- jurisdictional confusion,
- slow response times,
- poor attitudes towards domestic violence situations,
- lack of training on how to properly understand and deal with domestic violence situations, and

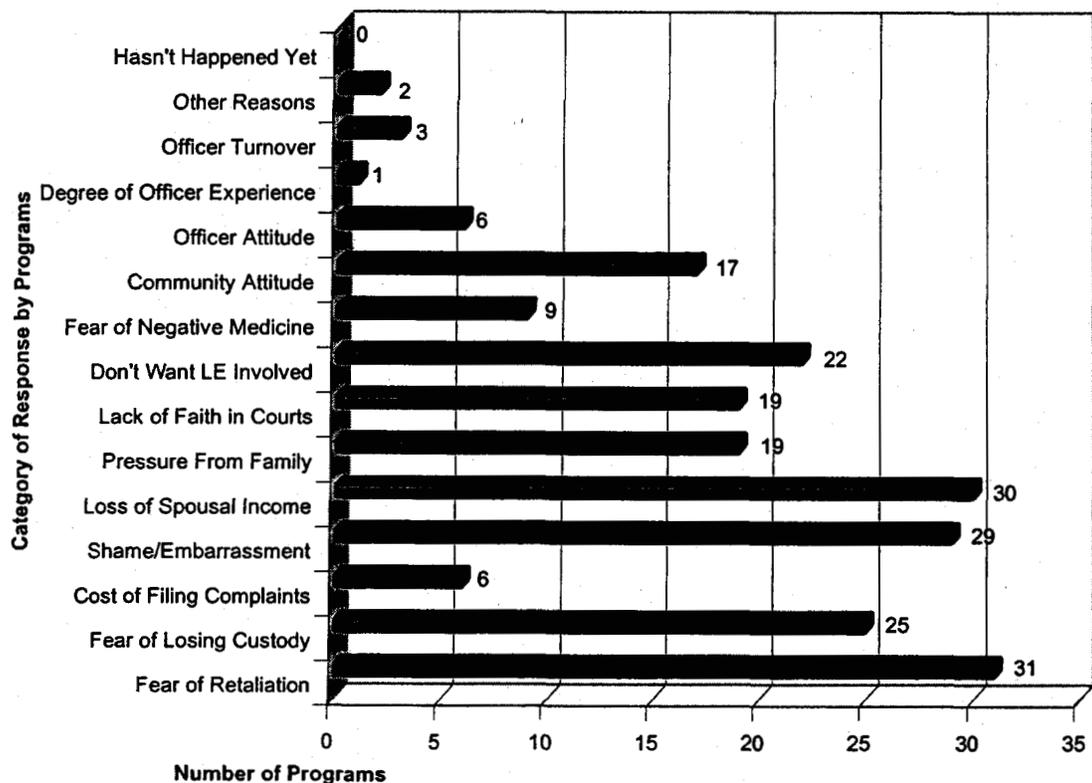
- apprehension on the part of the tribal officers in dealing with family members in domestic violence situations.

These issues are seen in *Figure III.6. (Complications in Obtaining Law Enforcement Services)*.



**Figure III.6: Complications in Obtaining Law Enforcement Services.  
N=56**

The “other” category included: racism in the criminal justice system, lack of consequences for the abuser, differential treatment due to politics, nepotism and the ‘good ole’ boy’ system, poor police officer attitude, and the lack of sensitivity. Also as seen in *Figure III.7. (Reasons for not Reporting Domestic Violence)* there are a number of reasons for not reporting domestic violence incidents, and therefore limiting the presence of law enforcement.



**Figure III.7: Reasons for Not Reporting Domestic Violence. N=56**

The majority of tribes (n = 83 or 67%) in this evaluation research have multiple law enforcement agencies that respond to domestic violence calls on their reservations, particularly if the jurisdiction is in dispute. An example of multiple response could include: not only the Tribal Police Department, but also the Sheriff's Department, Municipal (City) Police and State Police officers. Other agencies that respond to domestic violence calls may also include the BIA, and the FBI. In Alaska, a response could be by the Department of Public Safety (State Troopers), a Village Public Safety Officer, and the Village Police Officer. Of the 123 programs in the evaluation research, 31 or 25% of Tribal Police departments solely respond to domestic violence calls. 75% have possible multiple responses.

The variation as to which law enforcement agency responds to domestic violence calls on a particular reservation highlights the jurisdictional maze that exists. This exacerbates the confusing law enforcement jurisdictional issues that affect Indian Country. These jurisdictional issues may, in many cases, be detrimental to the ability of the tribe to provide efficient services to the victims of crimes. However, many of the respondents during interviews indicated that sometimes this multiple agency response is a positive event in that the officers can "back each other up" until the situation is stabilized and jurisdiction is determined.

### **Law Enforcement Demographics**

The following figures result from the mailout survey with a response rate of 56 of the 123 programs. The number of Tribal Police officers varies between tribal agencies, ranging from one to eighty-eight. The average is eighteen police officers per tribal community. The number of BIA officers also varies from two to twenty-six, with an average of seven. In looking at the total number of officers who respond to crimes in the STOP grant communities, there is a range from one to one hundred two, with an average of seventeen.

The ethnic and gender breakdown of officers who comprise the law enforcement agencies is shown in *Figure III.8. (Number, Gender and Ethnicity of Law Enforcement Officers)*. Although men do predominate in law enforcement, an increasing number of women are being hired, especially to work in domestic violence and related areas.

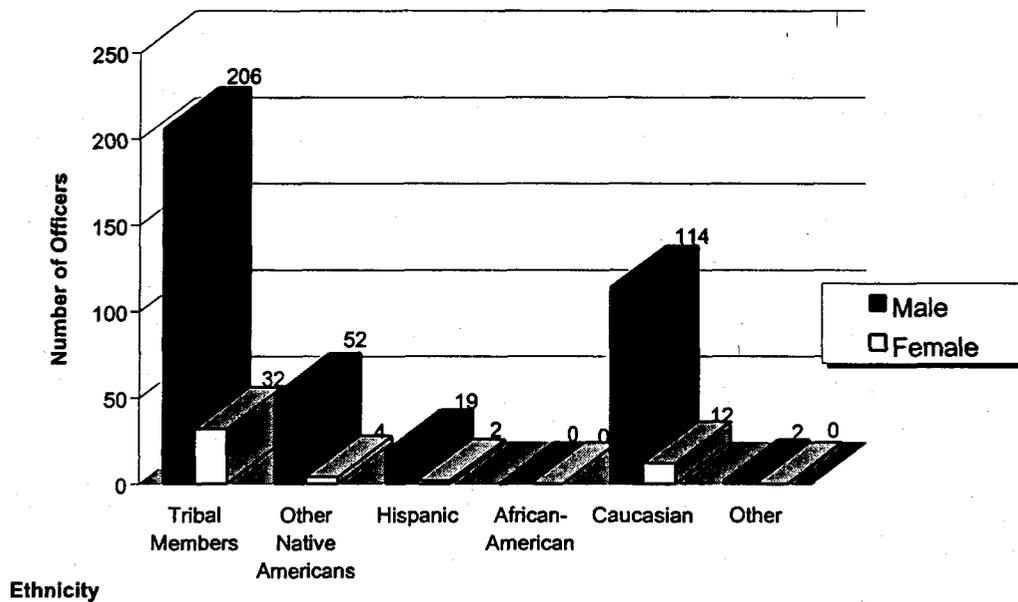


Figure III.8: Number, Gender and Ethnicity of Law Enforcement Officers. N=56

Figure III.9. (*Comparison of Arrests and Calls for Service by Grant Year*) reflects the domestic violence calls for service and the number of arrests made for the period of 1995 through a portion of 2001. These numbers indicate that 1997 and 1998 were the years showing the greatest increases of both calls for service and arrests. This is an indication that as the awareness of domestic violence as a problem increased, calls to law enforcement agencies also increased. However, since these data derive from the mailout survey, representing only 45% of the total program sample of 123, this and other indications are suggestive, rather than definitive. In addition, two respondents indicated a high number of calls for service related to domestic violence, yet did not provide the subsequent number of arrests that were made. This skewed the overall number of arrests made when compared to calls for service. Additional and more comprehensive research on this topic is called for.

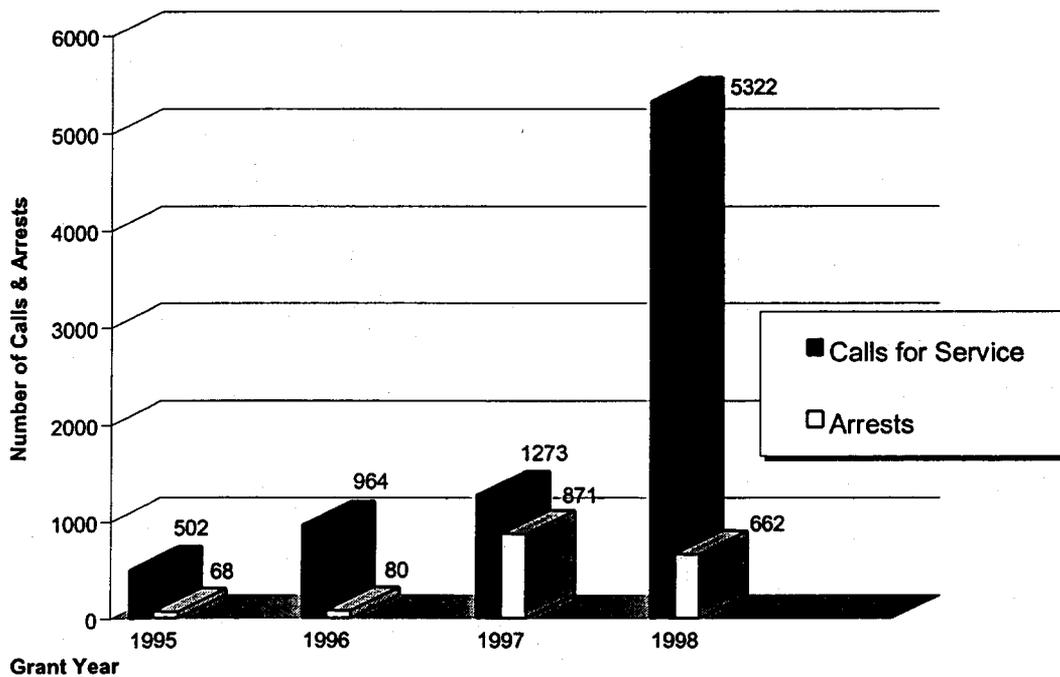


Figure III.9: Comparison of Arrests and Calls for Service by Grant Year. N=20

### Cross-Deputization Agreements

One means for improving the efficiency in law enforcement response is through the use of cross-deputization agreements. Through cross-deputization agreements, law enforcement and governmental agencies agree to allow their police officers to have police powers in each other's jurisdictions. Without such an agreement, for example, a tribal police officer would only be allowed to stay on the reservation and not venture into county jurisdiction to respond to assist a victim of a crime, even though the tribal officer may be the closest unit to respond. Of the 123 tribes that have STOP programs, 50% of them currently have cross-deputization agreements with their surrounding law enforcement agencies, and an additional eight are currently working on developing and implementing such agreements.

## Case Studies

The benefits of cross-deputization agreements can be found at one community:

- Here there are five different jurisdictions that have law enforcement services within the reservation. Cross-deputization agreements are between a nearby City Police, the County Sheriff's Department, and the tribal police department. The tribal police chief indicated during his interview that this arrangement has created more immediate and effective responses to domestic violence calls.
- The tribal police department officers in this tribal community are federally certified.
- Cross-deputization with the county and city has, "really helped us (the tribal police) because of the inter-racial marriages on the reservations. The tribe did not have the ability to arrest, investigate and prosecute non-Indian offenders that committed offenses on federal property." According to the tribal police Chief, perpetrators were "walking because the state would not assert jurisdiction. Cross-deputization has changed that because the tribal police department now works closely with the county and tribal prosecution." Jurisdictional loopholes that allowed perpetrators to escape prosecution have been closed as a result of the cooperation between the county and law enforcement.

At the other end of the cross-deputization continuum, another community has no cross-deputization agreements. The tribe does not want them "due to the infringement on tribal sovereignty" that this may represent. The community also has concerns about outside law enforcement agencies actions on reservation land. If there is an arrest warrant out on someone who flees to another reservation or outside the reservation, instead of working with the law enforcement of the other reservations or surrounding counties, the law enforcement of this community just waits for this individual to return to the reservation where they can then be arrested.

## Challenges in Law Enforcement Jurisdictional Issues

Because jurisdiction is such a formidable issue in Indian Country, the respondents during the interviews were asked what jurisdictional issues posed particular problems to their effective

law enforcement efforts. The most outstanding problem mentioned was when domestic violence, sexual assault, or stalking involves a non-Indian and an Indian person. In one community, a police officer said, "If it is a non-tribal member involved, we will give them the phone numbers of where to get help. The same thing is true with tribal members. We'll be first on the scene, but we won't actually take the report. [If it is a non-tribal member] we'll refer to the Sheriff's Department or State Police." At another tribal community, the tribal police can only hold a non-Indian perpetrator for 20-30 minutes while waiting for the sheriff's deputies. However, the tribal police officers often develop cases even though they are out of their jurisdiction. They are concerned with following through on a case, particularly when the victim is a female tribal member.

### Case Study

*At the Creek Nation*, the jurisdiction problem is particularly heightened since the Nation does not have a reservation, but rather scattered, checkerboarded allotments and tribal land holdings spread across eleven counties. Police from both tribal and county agencies are often sent out to a scene where jurisdiction is determined on site. As one officer stated, other county agencies such as the Sheriff's department prefer not to answer calls that may pertain to tribal members. One of the areas that has a high rate of domestic violence among tribal members is an area where deputies will not respond. They stop at the property line and go no further. The deputies will wait there until the tribal police arrive. However, in the meantime, the domestic violence situation could be escalating to the point of bodily injury. An officer said, "We used to be fighting on the phone and looking up what land this is and here's the victim screaming while all of these cops are outside trying to determine whose jurisdiction it is! She doesn't care which one comes in!"

Because the Creek Nation is spread out across numerous counties, the dispatcher taking the call experiences difficulties in figuring out which households are under tribal jurisdiction, and which are under county. As a result, the dispatcher sends the police from both agencies and lets them determine jurisdiction once they arrive on the scene. Also, the dispatcher is not allowed to ask if someone is Indian or not. The officers at the scene make that determination. The tribal officers can often make the determination as to whether the case is in their jurisdiction or not by referring to a listing of all tribal members. If this is not

possible, then the determination is made once they arrive on the scene. The tribal police are not able to arrest, nor are the Tribal Courts able to convict these non-Native men because most often, the incident took place on a reservation and the tribes have no jurisdiction over non-natives on the reservation (See *Oliphant v. Suquamish Indian Tribe*, 1978).

### **Public Law 280**

Public Law 280 has had a significant impact on the jurisdictional complexities and the effectiveness of tribal law enforcement. In one tribal community in a P.L. 280 state, they retained control of tribal law enforcement through Public Law 93-638. The state in which this community resides opted to assume jurisdiction over fee, trust, and allotted lands within the reservation when a non-Indian is involved in a crime. The Indian nation retains jurisdiction over Indians on trust lands, unless it requests that the state assume jurisdiction. Due to the contracting that occurred under P.L. 638, if offenses are committed by tribal members on one of the many pieces of trust property located on the reservation, the tribe retains exclusive criminal jurisdiction. Also, in this tribal nation, county law enforcement officers cannot come onto trust property unless they are accompanied by a tribal police officer, and have filed Full Faith and Credit in the tribal court on whatever order they are trying to impose.

In another P.L. 280 state, Native communities and villages follow state and city law. To compound this situation further, it has been deemed by the U.S. Supreme Court (see *Venetia vs. Stephens*) that there is no tribal jurisdiction in this state. According to the Bristol Bay chief of police who was interviewed during the evaluation, interference from outside law enforcement in tribal problems was not always conducive to meaningful problem resolution for tribal members. However, over time, problems between the tribe and local police department have been diffused. He feels, however, that outsiders often do not understand how tribal members feel about legal issues and may impose outside laws on tribal actions.

During the evaluation, the following other responses emerged regarding how jurisdictional issues impact law enforcement's responses to domestic violence calls:

- When the domestic violence incident involves non-Indians residing on the reservation

- When mixed-marriages are involved
- Due to the checkerboarding of the reservation as discussed above
- The County Sheriff will not cooperate with the tribe regarding domestic violence issues, or allow them to include domestic violence in their codes
- The issues of concurrent jurisdiction with the county where the tribal police department does not have full jurisdiction in these situations
- Problems due to inter-state status of the reservation
- As an example of the lengths involving jurisdictional issues: at one tribal community there was a non-federally recognized Indian male involved in a domestic violence incident. In this case the officers had to physically measure out the area where the assault had occurred to determine who's jurisdiction it was in
- At one community, the tribal police department will respond to domestic violence calls even it is an Indian perpetrator and Indian victim off the reservation. However, if the victim is an Indian and the perpetrator is non-Indian and the domestic violence takes place off-reservation, the state will not take the case, nor will the FBI. The tribe resolves this situation by filing civil charges in the tribal court.
- In one community the BIA patrols, but with headquarters 1-2 hours away. In the evening, there is only one officer patrolling the entire community.

### **Successes and Innovations as a Result of the STOP grants**

Results from the mailout survey, *Figure III.10. (Law Enforcement STOP Enhancements)*, indicate that the greatest enhancement that was achieved through the STOP funding has been training the law enforcement officers that respond to domestic violence calls on the reservations. A second enhancement is when the officers obtain additional and better resource materials with which to deal with domestic violence situations, as well as providing victims with resources for additional services that may be available.

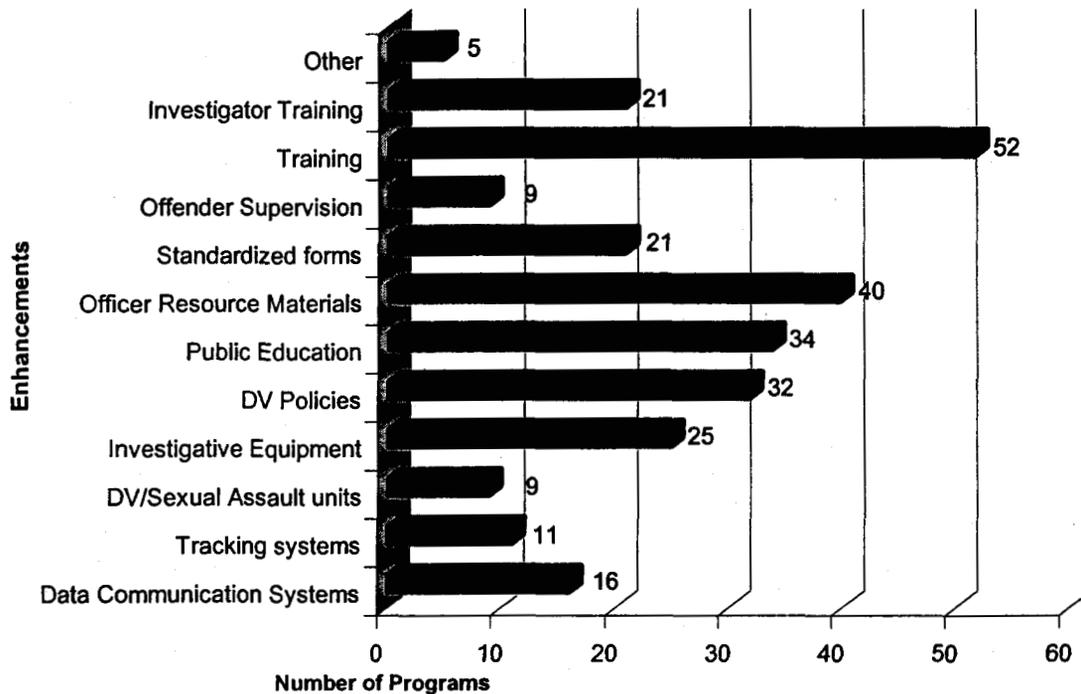


Figure III.10: Law Enforcement STOP Enhancements. N=56

The responses from the mailout survey also indicate many improvements observed regarding law enforcement agencies that respond to domestic violence calls on the reservations. These are represented in *Figure III.11. (Law Enforcement Improvements)* which clearly indicates those improvements resulting from the STOP funding. They include:

- Improvements in documenting evidence of abuse (39%)
- Improvements in communication between departments and agencies (36%)
- Increased arrests of offenders (36%)
- Improvements in report writing (32%)

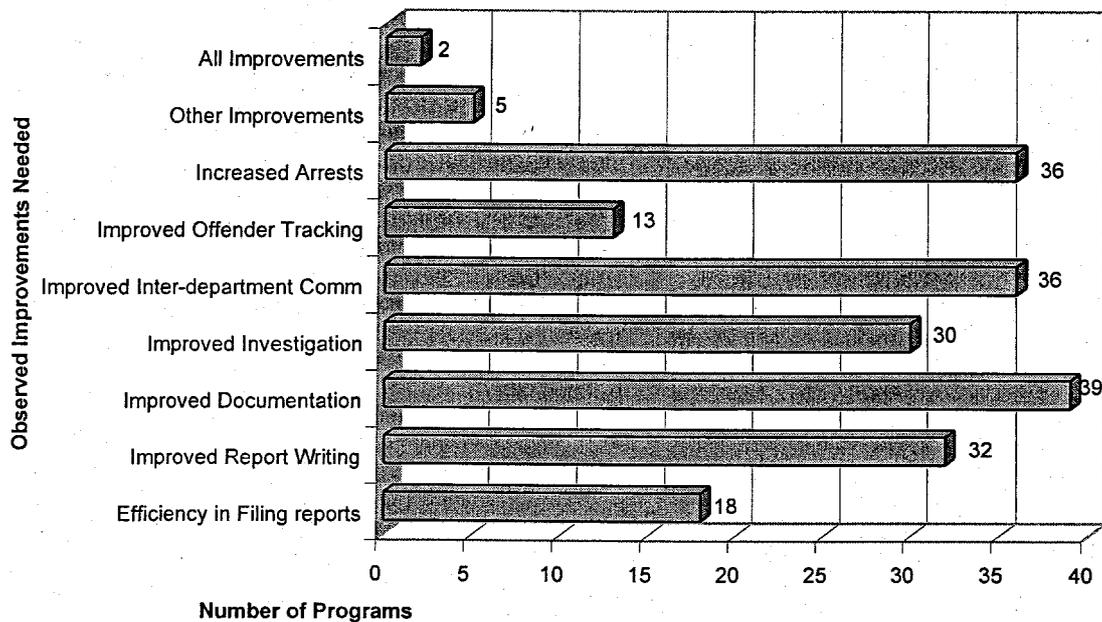


Figure III.11: Law Enforcement Improvements. N=56

#### Case Studies: Benefits to Law Enforcement from STOP Funds

One of the tribal communities (that wishes to remain anonymous) that has made major improvements in its law enforcement as a result of the STOP funds has focused on officer training as well as making extensive networking efforts in the surrounding community in order to ease jurisdictional issues. The tribal officers take an active part in the in-service training with other municipalities in order to keep the lines of communication open between jurisdictions. These tribal officers also present classes at the local community college regarding jurisdiction and other related issues. One officer said, "We try to stay active not only in the Indian community, but in the community in general." With the same vision, the Chief of tribal police had this to say,

This is not just Joe Blow and his wife hiding anymore. Prior to the STOP grant and the development of codes, ordinances, and protocols, tribal law enforcement was unable to take any proactive stance against domestic violence in the community. We were just answering calls. We were just going in and solving problems. Now it seems more specialized, and I think that's evolved over time. The

officers are very aware of the special circumstances in handling a domestic violence case. They are more concerned with educating themselves on how to deal with that. They're more willing to say, 'you know, this is an intense situation. We're not going to minimize this.' There is recognition that domestic violence is a serious situation.

The women's advocate in this program also expressed her observation that survivors of domestic violence who have received resource information from the tribal officers are better informed than those who have had interaction with the non-tribal officers. The women, she feels, are also treated with much more respect by the tribal officers, than by others. The advocate stated that she spends much of her time advocating for Native women who must deal with these outside law enforcement agencies, as opposed to those who are within the tribal police department jurisdiction. She said, "Outside law enforcement agencies are NOT providing information to victims; are NOT conducting adequate investigations; and victims are NOT being interviewed."

Other communities have been particularly successful. In one tribe, in which the BIA provides law enforcement services, there are indications that there is no power struggle between the tribe and the federal employees that is often seen on other reservations under BIA law enforcement jurisdiction. The reason for this close relationship has to do with the significantly higher number of BIA officers who are tribal members. These officers also take a large role in providing law enforcement duties during ceremonies. A similar pattern is seen at Zuni where 95% of the officers are Zuni tribal members, as is the Acting Chief of Police. Here, there is also a close and successful working relationship between law enforcement, tribal court, schools, the health and social services, as well as with New Beginnings, the domestic violence program.

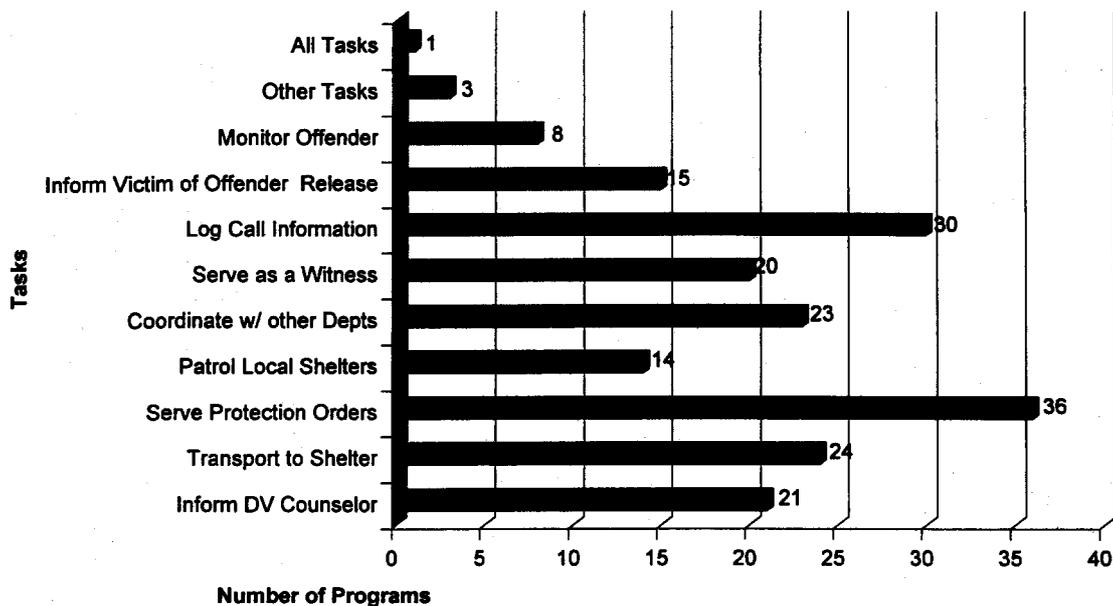
### **Domestic Violence Enforcement Officer**

There are many benefits when there is a specially created domestic violence enforcement officer position, or a purposely-designated patrol officer who functions in the capacity of responding solely to domestic violence calls. Additional benefits result when this officer attends outside domestic violence training, and then brings this new information and perspective back and incorporates it into training of other tribal officers. Overall, the designation of a special domestic violence officer emphasizes to the community the

seriousness of domestic violence cases. Some of the duties of these specialized officers include the following:

- Taking on responsibility for tracking non-compliance cases
- Making sure reports are complete and that referrals go where they are supposed to
- Training within the department, including to make sure that the primary aggressor is being arrested – that the perpetrator is being arrested and not the victim
- Carrying out informal training with other officers to increase the “human issues” aspects of domestic violence dynamics
- Working within the task force, including establishing protocols and policy manuals

*Figure III.12. (Other Law Enforcement Tasks)* includes data derived from the mailout survey, indicates the range of tasks that potentially all the law enforcement officers perform. Most frequent is serving protection orders, followed by logging the information related to the nature of the call. Also important are transporting victims of domestic violence to a shelter or safe house, and coordinating with other departments to ensure that tribal orders of protection are honored.



**Figure III.12: Other Law Enforcement Tasks. N=40**

### Role of the Dispatcher

The dispatcher is the initial contact in any domestic violence or sexual assault incident. In the majority of instances, the dispatcher makes the determination of jurisdiction in communities that have multiple jurisdictions. The dispatcher also often makes the initial assessment of whether a call is domestic violence related, and informs the appropriate responding agencies. Dispatchers also serve as a source of information and evidence gathering by logging information about calls. 30% of the grantees have developed formal dispatcher protocols, while five additional STOP programs are in the process of developing and implementing such protocols. This is a part of the effort to ensure consistency in response.

As with the law enforcement responses, dispatchers who receive the calls for domestic violence situations are also involved in multiple agency response contexts. Of the 123 STOP programs, 43% (n = 53) of the dispatchers are tribally affiliated, followed by 24% (n = 29) who are County, and 12% (n = 15) who are a combination of the two. In several of the tribes,

there is a tribal dispatcher during business hours, and the County then takes over dispatching duties overnight. Dispatchers are also instrumental in contacting a victim services agency upon receiving a domestic violence call. 36% of the evaluation respondents indicated that it was the dispatcher who notified the victim services agency, while 40% of the dispatchers let the responding law enforcement agency perform this function. The following examples indicate some dispatcher procedures.

### Case Studies

#### *At Rosebud:*

- A domestic violence call is received and the following information is gathered: location, identity of the caller, description of the incident, any types of injuries, need for medical aid, whether the suspect is still on the scene, if weapons, alcohol or drugs are involved, if children are on the scene, whether the police been called there before, and whether there is a current protection order.
- Dispatchers are not to cancel a police response to a domestic violence call based on a follow-up call from the residence requesting a cancellation.

#### *At Eight Northern Pueblos:*

- There are no formal protocols, but the Peacekeepers have provided a dispatcher response sheet for domestic violence calls. 911 calls are transferred to the appropriate agency to respond.

#### *At another tribal community:*

- The BIA dispatchers work 24 hours a day with three shifts a day.
- When a domestic violence call comes in, the dispatcher radios an officer out on patrol and flags the call as domestic violence. If there is an indication that someone is hurt, they also dispatch an ambulance. Once the officers reach the scene and do their assessment, they contact the dispatcher to call the Guidance Center personnel to place the woman in a safe house if necessary. It was noted during the interviews that training the dispatchers well is absolutely necessary so they obtain sufficient and correct information.

On some reservations, not having a telephone system on the reservation or not being hooked into the 911 system poses problems for a quick response to a domestic violence call. For example, in one community since there is no 911 system, calls are directed to the tribal dispatcher that operates out of the tribal law enforcement office. Some of the smaller reservation communities do not have telephones, so an individual must drive to another community in order to call. Or on some reservations, many of the residents do not have telephones in their homes with which to make a 911 call.

### **Mandatory Arrest**

Seventy-six of the STOP tribal grantees developed mandatory arrest policies as a result of the STOP grant. Mandatory arrest is usually accompanied by mandatory incarceration of the offender for a specified period of time as a "cooling off" period. One problem with this system is the lack of adequate jail space. Grantees without jails must contract with outside jurisdictions to house persons they arrest. This often creates a financial burden for tribes with already limited financial resources. 57 (46% of the STOP grantees) have implemented domestic violence codes and protocols that include a mandatory holding period. This holding period ranges from eight to seventy-two hours, to the next working day, to the time of arraignment.

### **Collateral Arrests**

Collateral arrest is the practice of arresting both parties at the scene of an assault when the primary aggressor cannot be ascertained, or when both parties appear to have engaged in assault behavior. Collateral arrests can raise child welfare and custody issues for female victims of violence. When both the man and woman are arrested, children are left to social service agencies to handle. Thirty-nine tribes (32% of grantees) have such protocols that address collateral arrests. Fifteen tribes address collateral arrest, but indicate that there should be no dual arrests, because if a woman is arrested, she is more often than not the victim, and injuries to the male may be a result of self-defense.

### **Victimless Prosecution**

Victimless prosecution is the policy decision by a prosecutor to proceed with prosecution without a complaining witness. This is often done where the complainant decides that they

are unwilling to pursue the prosecution of the perpetrator, or where the complainant fails or is unable to come forward. Therefore, she does not have to be involved in the case, but this process expresses the concern of the community regarding the crime. However, this process also takes control out of the hands of the complainant. It can lead to a fear of the perpetrator, and can have a chilling effect on the woman's willingness to file an initial complaint. Victimless prosecution has been seen as a procedure that helps the victim by allowing her to not be the one to sign the complaint, thus reducing retaliation by the abuser. Rather it is the responding police agency, the tribe, or the state that in essence becomes the victim. Of the 123 tribes, sixty-two (50%) allow for victimless prosecution to take place.

### **Evidence Collection, Report Writing and Data Collection**

To effectively prosecute a domestic violence case, certain forms of evidence collection must be conducted as well as efficient reports written by the responding officer. The majority of the police agencies that were a part of the evaluation research obtain the following evidence: photos (58%), tape interviews (32%), and take witness statements (62%). Improvement in report writing can be seen with those police departments that have obtained computers, many through the STOP grants. In one tribal community they have now obtained technical equipment that collects evidence so that the victim does not need to testify in court, thus placing her in less danger, and also promoting batterer accountability. In another tribal community reports have improved after implementation of the STOP grant program since all police officers are trained on how to write effective domestic violence reports. They have also developed a domestic violence checklist and a checklist for domestic violence injuries that are included in the case files. The tribal judge notes that these reports are effective court documents that routinely provide the court with the necessary information.

### **Sexual Assault and Stalking**

The VAWA also includes the need to improve responses to sexual assault and stalking. Most of the STOP funds recipients have emphasized dealing with domestic violence, rather than sexual assault and stalking. However, the STOP funds have stimulated a number of innovative practices related to sexual assault and stalking. In one tribal community, when officers identify sexual assault, they contact criminal investigators who come to the scene to interview the victim so she does not have to be interviewed repeatedly. The investigator

then calls for an advocate to meet them at the hospital while the victim undergoes a sexual assault examination. In another community, almost all of the sexual assault charges involve children. Yet the percentage of sexual assault cases tried in this Tribal Court is small. The tribal prosecutor feels that this is due to these cases being felonies, and therefore referred to the BIA and then carried forward through a collaborative effort.

A number of responses during the research interviews indicated that if sexual assault codes were explicitly included in the tribal codes and ordinances that the number of cases reported would increase. Stalking, likewise, is categorized differently among the various STOP grantees, as demonstrated in *Figure III.5. (Status of Crimes)*, and may be obscured terminologically under other categories such as assault or harassment. This does not indicate that it is not acknowledged nor taken seriously by law enforcement, but possibly that it is not explicitly distinguished from other crimes. One tribal prosecutor certainly acknowledged the seriousness of this offense,

A battered person is in the greatest danger when they try to leave the relationship. Batterers often make repeated threats, escalate violence, and/or stalk and follow victims. As many as 90% of persons killed by batterers were previously stalked by the batters. [I] view any stalking behavior as very serious and aggressively encourage the Court to place restrictive conditions on the batters, and to establish additional safeguards to protect the victim.

Also, even though it is not specifically addressed by VAWA, nor is it often well known or talked about, the issue of "cops who batter" did emerge during the evaluation interviews. In some tribal communities it is a concern to have officers who are known to batter their own wives or significant others responding to domestic violence calls in a law enforcement capacity. In one community where a police officer was prosecuted for a domestic violence offence, a part of his sentence was to attend the Batters' Re-education Group. In another community, no tribal officer is hired if he has a previous domestic violence conviction, and any officer who is found guilty of domestic violence either through criminal court or an administrative hearing, will have his police powers revoked. Very often differing perspectives were expressed on this issue. For example, in another community the manager of the STOP domestic violence program estimated that 75% of the tribal police officers were known batterers. Her office is in the process of creating a protocol for officers that addresses this particular issue. She indicated that there has been resistance by tribal officials.

In contrast, during the same site visit the chief tribal police officer expressed no knowledge of such a protocol and said that he was unaware of any of the officers in the department being known as batterers.

### **C. THE COURT SYSTEMS AND PROSECUTION**

The jurisdictional issues that are pertinent to the discussion regarding law enforcement in Indian Country are also applicable to the discussion of prosecution and court systems, both on and off reservations. During the site visit interviews, one respondent commented,

One important concern is the statistic that 70% of the domestic violence cases in [our state] involve Native women. Non-Native men are abusing the majority of them. The tribal courts are not able to convict these non-Native men because most often the incident took place on a reservation and the tribes have no jurisdiction over non-natives on the reservation.

This statement expresses the sentiments and frustrations of tribes that are trying to effectively handle incidences of violence against Indian women yet, jurisdictional issues tie their hands. (Additional discussion of jurisdictional issues is found in the law enforcement section of this report.)

Of particular concern when addressing jurisdiction and the courts is the issue of Full Faith and Credit, particularly with reference to protection orders and restraining orders. While the VAWA refers to "full faith and credit", that terminology has not been uniformly extended to the treatment of tribal court orders and judgments. As pointed out in Cohen's Handbook of Federal Indian Law (1982 edition: 385):

The full faith and credit clause of the constitution applies of its own force only between the states, but Congress has extended its application to require the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

He adds that the question as to whether this statute includes Indian tribes has resulted in conflicting decisions in state courts. Since the issue of whether or not Indian tribes qualify under the full faith and credit clause of the constitution is at issue, the judicial principle of comity has been deemed by many to be a more appropriate legal assertion. Comity, which has its origin in international law, is the courteous recognition of the laws and judicial

decisions of the courts of one state or jurisdiction by another state or jurisdiction. However, comity, unlike full faith and credit, cannot be claimed as a right, but only as a favor or courtesy. Thus, little recourse exists for tribal victims of domestic violence when an off-reservation law enforcement agency fails to recognize and enforce a tribal court order. In some parts of Indian country, as, unfortunately, with many states, this failure to recognize the orders of their courts is a significant challenge.

The issue of whether court orders issued by a tribal court must be recognized and honored by State, Federal and other tribal courts is heated. The U.S. Constitution, Art. IV, sec. 1, states that "Full Faith and Credit shall be given in each State to the Public Acts, Records, and judicial Proceedings of every other State." By its terms, then, and as the tribes are extra-constitutional, this clause applies only as between states. It does not apply to tribes.

Some state courts have found that Indian tribes are 'territories' of the U.S. government, and thus Art. IV. sec. 1 is deemed to apply to tribal court orders (for example *Jim v. CIT Financial Services Corp.* 533 P.2d 751 (N.M. 1975). The U.S. Supreme Court has been of two minds on this issue. In *U.S. V. Wheeler* 435 U.S. 313 (1978) the Court held that tribes are not territories. However in *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 65 n.21 (1978) ruled upon in the same year, the Court referred to an old case, *Mackey v. Coxe*, 59 U.S. (18 How.) 1000 (1855) and stated that tribal court judgments "have been regarded in some circumstances as entitled to full faith and credit in other courts."

The issue of 'Comity' also arises. Comity is the "cordial recognition given by the courts of one state or jurisdiction of the laws and judicial decisions of another." While comity applies internationally and thus would seem to be particularly appropriate to underscore the concept of nationhood of Indian nations, it is discretionary, not mandatory. However, some states have used comity to resolve recognition issues. The state of Montana used the concept in the case of *In the Matter of Marriage of Red Fox*, 542 P.2d 918 (1975), wherein it held that while full faith and credit under the Constitution could not apply, "the quasi-sovereign nature of the tribe does suggest that judgments rendered by tribal courts are entitled to the same deference shown decisions of foreign nations as a matter of comity." The state of South Dakota has also allowed state courts to recognize tribal court orders on the basis of comity

where the party seeking recognition establishes that the order meets certain legal conditions. However other states, such as Oklahoma, have restricted the extension of comity to tribal court orders, particularly where the tribal court has not reciprocally extended such recognition to state court orders.

As this Oklahoma situation recognizes, the refusal to recognize foreign court orders is not restricted to State Courts. Commonly, tribal courts do not automatically recognize and honor state court orders. An additional problem is the failure or refusal of many tribal courts to recognize and honor the court orders of another tribe. The issue is the same in either case. The tribes have asserted that to automatically recognize the orders of a foreign court, be it state or tribal, interferes with the sovereignty of the enforcing court. Thus, many tribes have required that anyone seeking enforcement of an order issued by a foreign court have it endorsed. In some instances the enforcing tribal court has required additional hearings on the merits of the case, or certification of the order.

The Congress has sought to alleviate confusion, and expedite the enforcement process of tribal court orders, by exercising its rights under the Political Question Doctrine as set forth in *Lonewolf v. Hitchcock* 187 U.S. 553 (1903). Under this doctrine, if Congress expressly states its intent, then that intent is honored by the courts. Thus, Congress has expressly stated in the Violence Against Women Act that all jurisdictions must grant full faith and credit to other courts in proceedings under these Acts.

Under the Violence Against Women Act, 18 USC Sec. 2265 states:

(a) Full faith and credit.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

The Congressional imposition of such orders does not solve the problem however. Commonly there is no system in place to alert State and tribal courts of the issuance of an order. Further, Tribal governments frequently do not enter Tribal court orders into

computer systems that can be searched by other jurisdictions. This can cause delays when enforcement is sought in the courts of a different sovereign.

The order of one court may look very different and may include language which is dissimilar to language of the enforcing court. Or the order from the ordering court may not include language the enforcing court considers essential. These characteristics can cause delays with recognition and enforcement by police, a major problem in emergency situations where time can be of the essence.

Tribal STOP grant recipients recognize the importance of a coordinated response to violence against Indian women and are attempting to attain cooperation with outside courts and police for the honoring of tribal court orders. Lack of full faith and credit or comity between tribal and non-tribal courts significantly affects the response to violent incidents. Victim safety is compromised if tribal orders are not recognized. Inability to prosecute cases for violations of tribal court orders creates a system where offenders are not held accountable for their actions.

Many examples of this fundamentally problematic structural problem were reported during the evaluation research. Also indicated were some of the ways tribes are trying to resolve or deal with this issue:

- The Zuni court issues protective orders on Full Faith and Credit. This helps to protect the victim on the Zuni reservation. However, the state of New Mexico will not recognize Zuni protection orders under Full Faith and Credit. The Zuni court is now trying to get recognition with children and family departments, rather than the district court as a solution to this problem. In addition, Zuni honors protection orders from other places as well as issues their own, so the victims ultimately have two orders.
- A program staff person at the Creek Nation encourages victims to get protection orders from the state court because it will assure enforcement of the order. This is a practical necessity due to the fact that counties do not enforce tribal orders since there is no arrangement to share protection order information.

As indicated by these examples, a typical situation encountered is that most tribal courts will recognize all other orders, tribal or not. However, tribal court orders are not recognized off-reservation by state or county courts. This situation often necessitates a victim having to obtain orders from multiple jurisdictions to ensure the enforcement of protection for herself and her children.

The situation at Rosebud presents another example of the complexity of jurisdictional issues. Because there is not a Full Faith and Credit agreement with other tribes or the state, there is no extradition for someone outside of the area. Rosebud routinely enforces other tribes' orders. However, the civil court judge as a strictly discretionary process, often references Full Faith and Credit in protection and other court orders that he issues when he knows that the perpetrator often travels off the reservation.

At another tribal community there is yet another variation. This tribal nation historically and traditionally has been a theocracy, with religious leaders regulating the ceremonial cycle and representing the villages. Today, this system is maintained with each individual village having primary jurisdiction in domestic violence cases, with a fifteen-day period to make a decision regarding whether to pass the case on to the overall tribal court. The village-level judicial system is set up on a civil basis and can make decisions on punishment. However, they usually waive their jurisdiction in domestic violence cases, passing it on to the overall tribal court because they do not want to become involved in family disputes. At times, if the injuries to the woman are serious, the Federal government may take the case. Also this tribe is extremely cautious regarding Full Faith and Credit with county, state and federal entities because of negative experiences in the past.

The Navajo Nation faces major problems with jurisdiction and participates with other Arizona and New Mexico tribes in addressing Full Faith and Credit issues. The Navajo Nation has comity provisions, but does not extend Full Faith and Credit to "foreign" orders, which is one of the provisions contained in the proposed code for domestic violence orders. One of the goals with the proposed code is to create Memorandums of Agreement with the states since only some Navajo Nation orders are honored outside the reservation, depending on the county involved.

## Protection Orders

One way the STOP VAIW grantees are attempting to enhance victim safety is through the prompt issuance of protection orders and sanctions for violations of these orders. A consistent problem with protection orders involves difficulty in getting tribal orders honored by other jurisdictions. Some tribes are experiencing increased enforcement of protection orders as a result of improved cooperation between tribal and non-tribal criminal justice agencies, yet others are encountering a variation of problems in the issuing and enforcing of protection orders. This problem varies depending on the grant recipients' location, historical experiences and the nature of relationships. While jurisdictional problems across state and county boundaries remain obstacles, many of the tribes are addressing these problems in a pro-active manner.

To highlight the importance of the ability to obtain protection orders, one important finding of the evaluation research is that of the 123 STOP programs, protection orders are available in 114 (93%) of the service areas. The agencies where women may obtain protection orders include:

- The domestic violence program
- The tribal court
- The tribal police department and other courts
- The county sheriff's department
- Victim services agencies
- The state, through the courts or attorney's office
- Women's shelters

Examples of innovative procedures involved in obtaining protection orders include the following:

- In widely dispersed villages, victim services can phone a magistrate who will take testimony over the phone, and fax the protection order back to victim services
- The protection order is accompanied by a certification of "protection order compliance with VAWA," urging other jurisdictions to give it Full Faith and Credit

- An increase in protection orders by 75% was noted by one tribal judge, due he believes, to the fact that the community is more aware of the necessary steps to take and the significance of protection orders.

Also, during the evaluation research, it was evident that a series of ongoing challenges continue to face many of the STOP grantees who are in the process of finding ways to address them. The major challenges are:

- Violations of protection orders that are not dealt with quickly.
- The majority of the domestic violence cases do not include protection orders because the victims, for a variety of reasons, do not want the order. Especially significant is that many women, especially those who are distant from their supportive extended kin network, have a financial dependency on the perpetrator.
- When, as is often the case, the tribal judge is contracted and does not live in the community, there are logistical difficulties because of distance in obtaining a protection order.

### **Prosecution**

There are a number of challenges specific to prosecution procedures that the STOP grantees are facing. (See Figure III.13: Domestic Violence Complaints Filed and Dispositions by Year). Many of the challenges to effective prosecution of domestic violence cases tend to include the complexities of jurisdictional issues, as well as others such as:

- There are no tribal prosecutors in the community served, and the county and state have prosecutorial jurisdiction, yet have no formal protocols to address violent crimes against Indian women.
- When special, often tradition-based domestic violence courts exist, there may not be consistent coordination with the tribal judicial system.
- Limited jail space is a problem, particularly when domestic violence is considered a lesser offense.
- In small rural tribal communities where everyone knows and may be related to everyone else, there is often conflict of interest.

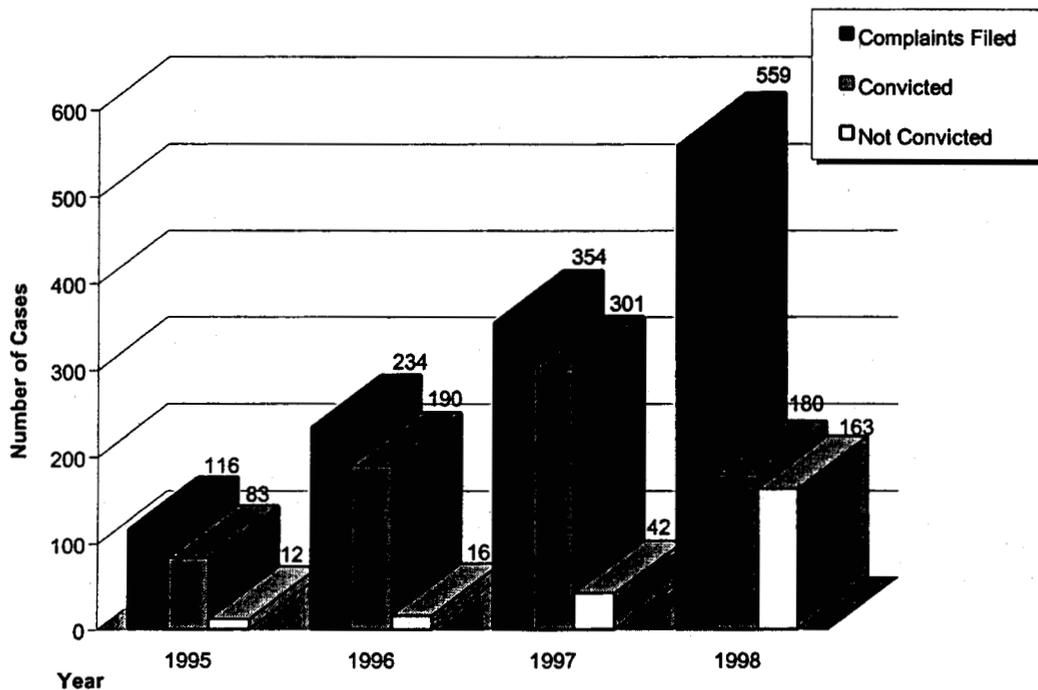


Figure III.13: Domestic Violence Complaints Filed and Dispositions by Year. N=56

The prosecution units among the STOP grantees are primarily involved in developing innovative systems to handle the unique situations encountered in Indian Country. They are also involved in helping to draft or revise tribal legislative codes and protocols. Often the keys to these activities are good overall communication and the development of coordinated efforts. To carry out these tasks, grantees have developed lay prosecutorial advocates, traveling trial courts, hired law clerks to track and define cases, and funded additional prosecution staff time. Responses from the mailout survey indicate that 24 (43% of respondents) of the grantees included a prosecution or court component in their community's STOP grant, while 14 (25% of respondents) did not. The adoption of protocols for prosecutors also provides further guidelines and consistency for the effective processing of domestic violence cases. Of the 123 tribes, 41 (33% of respondents to the mailout survey) have such protocols, 26 (21% of respondents) do not, and two grantees are in the process of getting these protocols in place.

Many domestic violence cases end with a plea bargain agreement. This may include the length of time in jail and if a portion of that is to be suspended, to include probation. Frequently the judge will require that the perpetrator seek counseling for anger management, parenting, or alcohol and other drug abuse. Prosecutors have also noted seasonal differences in the number of cases increasing during the winter months; that most of those appearing in court are young adults, rather than elders; and that there are indications of an increase in domestic violence cases during times of extreme economic duress. An in-depth exploration of the full implications of these factors for addressing violence against Indian women is beyond the scope of the current evaluation research, but certainly calls for further research in the future.

As a result of the STOP funds for prosecutorial services, particular services were developed or enhanced. These services include:

- Training for advocates, prosecutors and judges
- Public education or awareness
- Development and implementation of policies and procedures for handling domestic violence, sexual assault, and stalking cases
- Development and distribution of resource material for advocates, prosecutors, and judges
- Free legal service for preparation of protection orders
- Development and utilization of standardized forms for abuse and assault incidents
- Increased supervision of the offender
- Legal advocacy
- Development and implementation of data systems used for tracking domestic violence and sexual assault cases
- Development and implementation of procedures that honor protection orders issued by other jurisdictions
- Development and implementation of data communications systems.

As a result of these innovations which were stimulated by the STOP grants, there were many indications during the evaluation research of marked improvements. These included

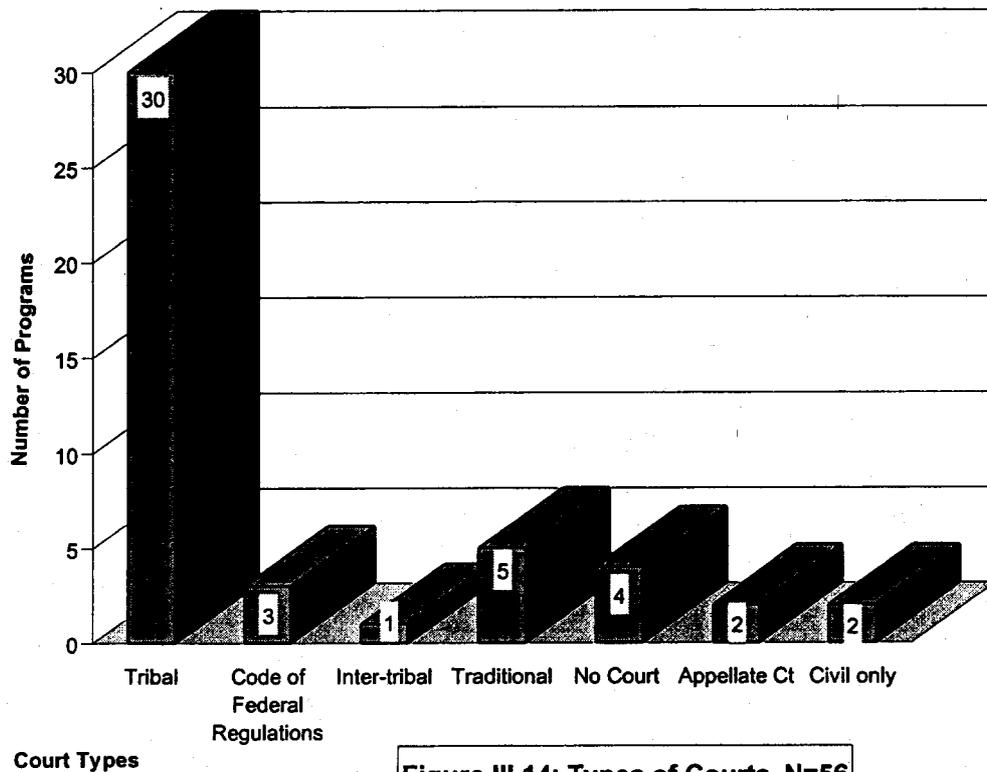
increased communication among departments, increased documenting of evidence of abuse, improved tracking of offenders, more efficient investigations because of better or new equipment, increased efficiency in filing reports as a result of standardization of forms, and in the arrest of offenders.

Some concrete examples of benefits and solutions resulting from these improvements are the following:

- 1.) The implementation of a prosecutor's "no drop" policy in 30% of the tribes studied, in which the prosecutor is prohibited from dropping domestic violence cases;
- 2.) The creation of a part time domestic violence prosecutor who focuses exclusively on domestic violence cases;
- 3.) Many tribal prosecutors prefer to plead the case out rather than go to trial. One prosecutor indicated that the defendant does not get a lighter sentence with the plea agreement, which is the process in 75% of all domestic violence cases. Although the offender may plea guilty to a series of charges, domestic violence will show on the record and thus there will be a harsher sentence.

### **The Courts and Sentencing**

The variation in court types and structures also has an impact on the effectiveness of the criminal justice system in Indian Country when addressing domestic violence, sexual assault, and stalking. *Figure III.14. (Types of Courts)* indicates this variation among the evaluated programs. Due to the variation in the numbers of existing courts, or even their very existence, it was difficult to ascertain the exact number of judges who preside over the various courts. However, the number of judges reported ranged from one to six per tribal nation, with an average of two.



**Figure III.14: Types of Courts. N=56**

Only four tribes indicated that they have what they consider to be a traditional court system. Of particular importance to the evaluation research is the use of traditional methods, remedies, and sanctions that are incorporated into the overall civil and criminal procedures for domestic violence cases. This is an area that begs for further research, both in identifying the various methods utilized and their long-term effectiveness. The mailout survey respondents indicated that the following methods are utilized:

- The utilization of Elders
  - Used when requested
  - Advice is sought from Elders about the suspect or victim
  - Elders conduct healing circles where traditional values regarding women and families are stressed
- Banishment
- Collaborative Community Sentencing
- The tribal council supports and encourages traditional sanctions and services during the probation period

The following case studies describe some of the various court systems that operate in Indian Country:

**Case Studies: Various Structures and Functions in Tribal Courts**

One tribal community is in the process of separating the court of appeals from the tribal court. The tribal court consists of a Chief Justice, two clerks, and five pro-tem judges. The judges are nominated for six-year terms. The tribal court presides over criminal cases involving Indians, civil cases and traffic, and hunting and fishing violations. Jury trials are an option for domestic violence cases, but they are not often utilized since most domestic violence cases are pleaded out.

Another community operates under the Code of Federal Regulations (CFR). In this court, a Federal Magistrate hears all court cases. The Magistrate works closely with the STOP domestic violence program, was involved in domestic violence training, and often encourages increased domestic violence procedures. In this particular CFR court, non-tribal members and non-Indian individuals are also charged, and to date, there have been no challenges to the *Oliphant* (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 1978) decision that limits tribal jurisdiction to charging non-Indians. This court also finds that recidivism is reduced when perpetrators go through the court system, rather than a less formal process. The STOP domestic violence program is planning to hire a part-time investigator and a full-time legal advocate to aid the prosecution in the preparation of court cases.

In another tribal community the STOP grant has helped to strengthen the tribal judicial system. One program staff person said,

When we started this project, we had a different judge, and we had a pretty loose judicial system. I like to credit the projects such as STOP...for helping. When we started this process, our court was not very well respected. It operated maybe once or twice a week and there was very little, if any, accountability. That's changed. [Administrative systems and procedures have been changed and developed; and the court] operated at higher case levels. We now have a qualified prosecutor that's handling cases... People

are thinking twice when they offend and have judgments against them or orders of protection. I think they think twice because we have a more reputable court that is working better.

The tribal court judge also notes that the overall effect of the STOP grant program has been coordinated and has been instrumental in providing a judicial system that is responsive to issues of domestic violence. Prior to the STOP grant, representatives of tribal law enforcement and the tribal judiciary did not realize the extent of domestic violence on the reservation, nor were there any methods to compute and analyze data regarding domestic violence. During the site visit it was indicated to the evaluation team that these barriers have been reduced significantly. These innovations and changes in attitude have also substantially reinforced issues of sovereignty and jurisdiction in a positive way.

### Challenges in the Courts

Challenges to successful adjudication of domestic violence, sexual assault, and stalking cases were largely attributed by the STOP grantees to the jurisdictional confusion that exists regarding dealing with non-tribal member offenders, as well as the tribal court having limited prosecutorial jurisdiction. Other challenges included:

- Lack of funding
- Political influence on decisions
- Victims do not pursue the case and continue to stay with the offender (*See Figure III.15: Comparison of Reasons for Dropping Domestic Violence, Sexual Assault and Stalking Charges*).
- Training issues: judges refuse to go to training, lack of training or resources for training, inconsistent training
- Sentences too lenient when cases involve family members of the tribal court officials
- Nepotism
- Inconsistency in sentencing
- When there is a contemporary court and a traditional court in a tribal community there may be differing views on sentencing that may let offenders off on appeal

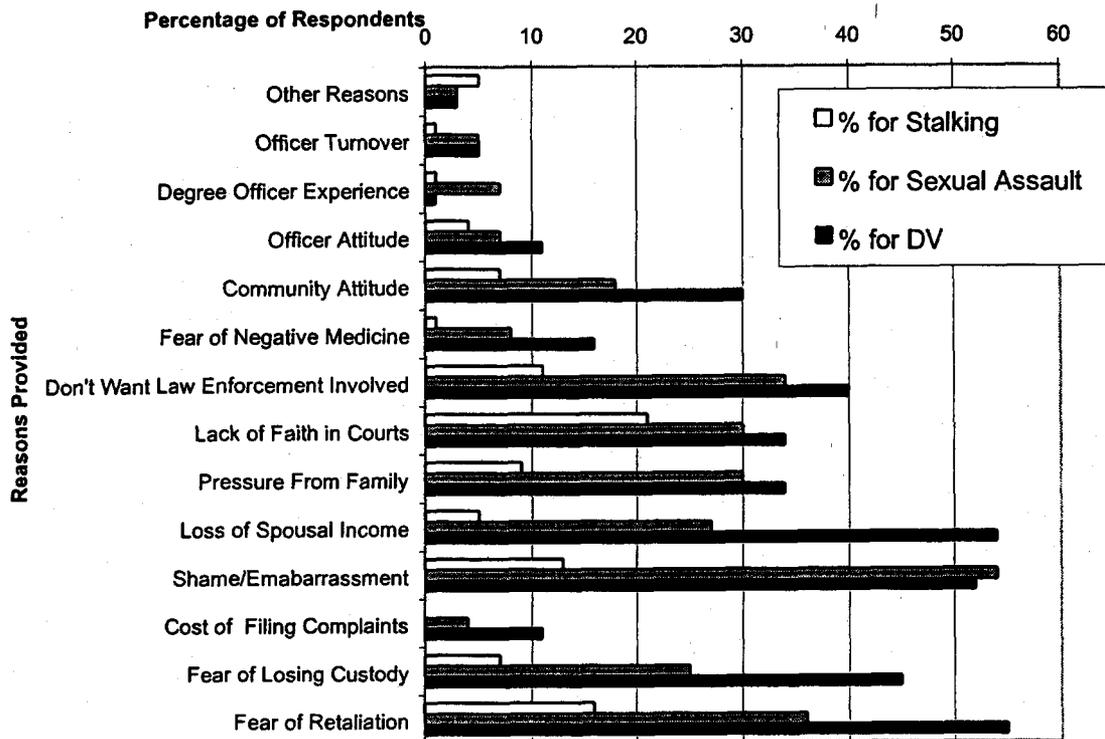


Figure III.15: Comparison of Reasons for Dropping Domestic Violence, Sexual Assault and Stalking Charges. N=56

### Sentencing and Court Ordered Treatment

Figure III.16. (*Criminal Sanctions Once a Defendant is Convicted*) indicates the range of criminal sanctions imposed by those who responded to the mailout survey. In line with the philosophy that jail time does not stop a batterer, but can only have further financial implications for the women and children if the "bread winner" is locked up, treatment of the batterer is perceived as the most viable alternative to jail time. This also takes into consideration the fact that many reservations do not have jails. Also, if the tribal codes indicate that a batterer will be locked up, then economic issues come into play, since it is costly to a tribe to contract with a county jail facility. Of the 123 tribes in the evaluation research, 84 (68%) indicated there were non-jail options that a judge may utilize.

Also 97 (79%) of the courts utilize sanctions for non-compliance with court orders or probation. To ensure that batterers are being held accountable, one means for doing so is a

tracking system of offender's progress. 73 (60%) of the courts in the study have such a tracking system, which is another method to increase accountability. Entities that may be responsible for this tracking include a statewide tracking system, the county, the probation department, tribal police department, tribal court, the domestic violence program, the prosecutor, or other tribal agencies.

Also, there is an array within the various programs as to the options that are found in sentencing in domestic violence, sexual assault, and stalking cases. For example, there may be alcohol and other drug abuse counseling, anger control and family counseling, and counseling by a medicine person. In some instances there is mandatory incarceration with additional counseling. Other punishments found in the tribal courts include fines, banishment, removal from tribal rolls, and loss of per capita payments. Other communities have developed batterer's re-education programs. These have proven to be effective alternatives to incarceration if the program is designed with community input and offenders are held accountable for non-compliance. STOP VAIW programs that have no incarceration facilities or have concerns about removing an offender from the home or community have often developed a structured batterer intervention program. At the time of the evaluation research, there were twenty batterer re-education programs in effect among the 123 STOP programs. These programs show particularly hopeful signs of breaking through the often cross-generational patterns of domestic violence, sexual abuse, and stalking.

TRIBE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<b>FIRST OFFENSE:</b>																				
<i>Jail time</i>	10d-6m	6m	>6m	NIP	NTS	10d	3m	NIP	1-5d	10d-6m	20d	30d	30d-2m	varies	SS	5d	45d-6m	10d	0-10d	30d-2m
<i>Fine</i>	NIP	yes	yes	NIP	yes	100-5000	NIP	yes	varies	yes	500	100	0-500	0-5,000	250	yes	100-250	500	250	200
<i>Restitution</i>	NIP	yes	yes	NIP	yes	yes	NIP	yes	yes	yes	yes	NIP	depends	varies	yes	NIP	yes	flex	yes	NIP
<i>Chemical Dep</i>	NIP	yes	yes	NIP	yes	NIP	yes	NIP	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
<i>Batterer</i>	NIP	12w	36w	26w	yes	NIP	24w	NIP	NIP	yes	8w	12w	24w	NIP	yes	8w	yes	yes	NIP	11w
<i>Probation</i>	NIP	6m	6-12m	12m	yes	6m	6m	yes	12m	yes	12m	NIP	12m	12m	yes	12m	9m	NIP	6-12m	6m
<b>SECOND OFFENSE:</b>																				
<i>Jail Time</i>	10d-6m	NIP	3-6m	NIP	NTS	2m	6m	NIP	1y	10d-6m	3m	3m	3-6m	varies	30d-1y	10d	Unk	6m	5-10d	30d-6m
<i>Fine</i>	NIP	NIP	NIP	NIP	yes	1-5,000	NIP	NIP	varies	yes	5,000	200	depends	0-5,000	1-5,000	yes	250	700	250-750	300
<i>Restitution</i>	NIP	NIP	NIP	NIP	yes	yes	NIP	NIP	yes	yes	yes	yes	depends	varies	NIP	NIP	NIP	depends	yes	NIP
<i>Chemical Dep</i>	NIP	NIP	NIP	NIP	yes	yes	NIP	NIP	yes	yes	yes	yes	yes	yes	yes	NIP	NIP	yes	yes	yes
<i>Batterer</i>	NIP	NIP	NIP	26w	yes	yes	NIP	NIP	NIP	yes	yes	12w	24w	NIP	yes	8w	NIP	yes	yes	11w
<i>Probation</i>	NIP	NIP	NIP	48m	yes	12m	NIP	NIP	12m	yes	24m	NIP	12-36m	12m	yes	12m	9m	NIP	12-24m	9-12m
<b>THIRD OFFENSE:</b>																				
<i>Jail Time</i>	10d-6m	NIP	>6m	NIP	NTS	6m	9m	NIP	1y	10d-6m	NIP	6m	3-6m	varies	30d-1y	15d	120d	NIP	0-3m	30d-6m
<i>Fine</i>	NIP	NIP	NIP	NIP	yes	2-5,000	NIP	NIP	yes	yes	NIP	500	depends	0-5,000	1-5,000	yes	NIP	NIP	1-2,000	1,000
<i>Restitution</i>	NIP	NIP	NIP	NIP	yes	yes	NIP	NIP	yes	yes	NIP	yes	depends	varies	NIP	NIP	NIP	NIP	yes	NIP
<i>Chemical Dep</i>	NIP	NIP	NIP	NIP	yes	yes	NIP	NIP	yes	yes	NIP	yes	yes	yes	yes	NIP	NIP	NIP	yes	yes
<i>Batterer</i>	NIP	NIP	NIP	26w	yes	yes	NIP	NIP	NIP	yes	NIP	12w	24w	NIP	yes	NIP	NIP	NIP	yes	11w
<i>Probation</i>	NIP	NIP	NIP	2y	yes	yes	NIP	NIP	12m	yes	NIP	24w	12-36m	12m	yes	12w	NIP	NIP	12-24m	12-24m

**LEGEND:**

NTS=No Time Specified on Survey response

NIP=No Information Provided

SS=Suspended Sentence

D=Days          W=Weeks          M=Months          Y=Years

**Figure III.16: Domestic Violence Criminal Sanctions Once a Defendant is Convicted. N=20**

## Case Studies

### *A Comprehensive Batterers' Re-education Program-Rosebud:*

Court-ordered treatment is required in about 90% of the cases and takes the form of a Batterer's Re-education Program that is based on the Duluth model with cultural appropriateness incorporated into the program. The term of the program usually coincides with the probationary period that is usually six months. The program holds twenty-four classes and two sweats. The director does have freedom to turn down potential participants who are most often repeat offenders who have not followed through with the prior program, or those who disrupt the class. The coordinator of this program integrates Lakota culture and language into his workshops and takes a focus on anger management. He finds that men who speak Lakota have a higher chance of finishing the program. However, there are many non-Lakota speakers who are able to successfully complete the program. Many times a medicine person is called upon to pray for the men, and regular use of sweat lodges are included in the activities. The program director said,

We talk about being positive and that is what the [medicine] wheel is about, the 'positivity'. The medicine wheel concept is often called a mirroring: you do not see yourself as an image, but you see your inner thoughts if you apply them. We talk about the four targets: spiritual, emotional, and physical, and whatever aspect we see as important to us. When we deal with it this way, we are able to plan objectives

This program has been successful for individuals who have a strong spiritual faith, whether they subscribe to Lakota spiritual beliefs or Christianity. For those who do not have this type of strong faith, a "task force" is created that is made up of a man's uncles, relatives, pastors and police officers who will each talk to the man about his problems and help him get back on track.

While this program appears to be doing everything right, the completion rate is very low: in 1998, out of over 100 men convicted of domestic violence only twelve actually completed the program. For repeat offenders who were not accepted by this program, the court has sent men to the Indian Health Service anger management classes in Rapid City, the closest city. Future research could be useful through looking at the reasons for failure to complete

this court ordered program, as well as the benefits gained by those who attended a portion of the program.

*In another tribal community* the focus of the Batterer's re-education program is to help break the cycle of domestic violence. This program is court ordered along with incarceration so that when the perpetrator is released, and returns to the reservation he must attend mandatory workshops in which he learns why these things happen, and how to correct them. To accomplish these goals, the program uses a blend of curriculum materials, group discussion, and support.

*Another tribal community* that has faced challenges in being able to enforce sentences and protection orders, has implemented alternative solutions that include counseling and the Batterer's Re-education Program. This program was actually extended from twenty-four to thirty-six weeks because of numerous requests from the male attendees themselves who felt that they needed the program to continue longer.

*In another community* there are two men's re-education programs: one conducted in jail once a week in which 20-35 men attend on average. The re-education program outside the jail is one of a number, including alcohol counseling, that may be court ordered. There is great concern in this community to get to the root of the problem rather than "temporary measures." Here, there is concern that law enforcement may not be the best answer.

*In another community* there are two individuals conducting the men's program, both psychologists, one Native and the other non-Native. They have received training through Mending the Sacred Hoop and work closely with the STOP program. Because battering is a behavioral problem in contrast to alcoholism, which is a chemical dependency based problem, the emphasis is on group meetings, rather than on one-to-one counseling. They have found that the other men as a group will hold each other accountable and honest.

## Compliance with Probation

A number of tribal grantees have developed or enhanced existing positions that track an offender's movement through the criminal justice system. Particular attention is paid to compliance with court judgments. The types of databases or tracking systems that are supported by STOP grants include the following:

- A case tracking system
- Protection or restraining order registry
- Victim notification
- Protection or restraining order tracking system
- Criminal history records

Of those tribes that responded to the mailout survey, 45% (25 respondents) indicated that their community has a probation department. The presence of a probation department whose officers are particularly charged with offender tracking appears to be one effective means of holding batterers accountable. Since the STOP grants, there has been an increase overall of adjudication of domestic violence cases, much of this attributed to offender tracking either by the probation department or the domestic violence program. Different options are available for failure to comply with probation requirements. In one community if there is non-compliance, probation can be revoked and the full sentence imposed. However, in spite of the consequences of non-compliance, the perpetrators' failure to appear in court is an ongoing problem in this community, especially among repeaters.

## SURVIVOR SERVICES

Sections D (health and medical), E (Role of the Advocates), F (Emergency housing, permanent housing, and housing related advocacy), G (Alcohol, drugs and domestic violence) all focus on survivor services. *Figure III.17 (Services Flow Chart)* demonstrates the various types of survivor needs that are addressed by the STOP programs and by STOP coordination with other service providers. This figure also illustrates the frequent long term and continued interaction between service providers and survivors in order to arrive at a positive outcome in reducing domestic violence.

**FIGURE III.17: Services Flow Chart. Clusters indicating the types of services utilized by survivors.**

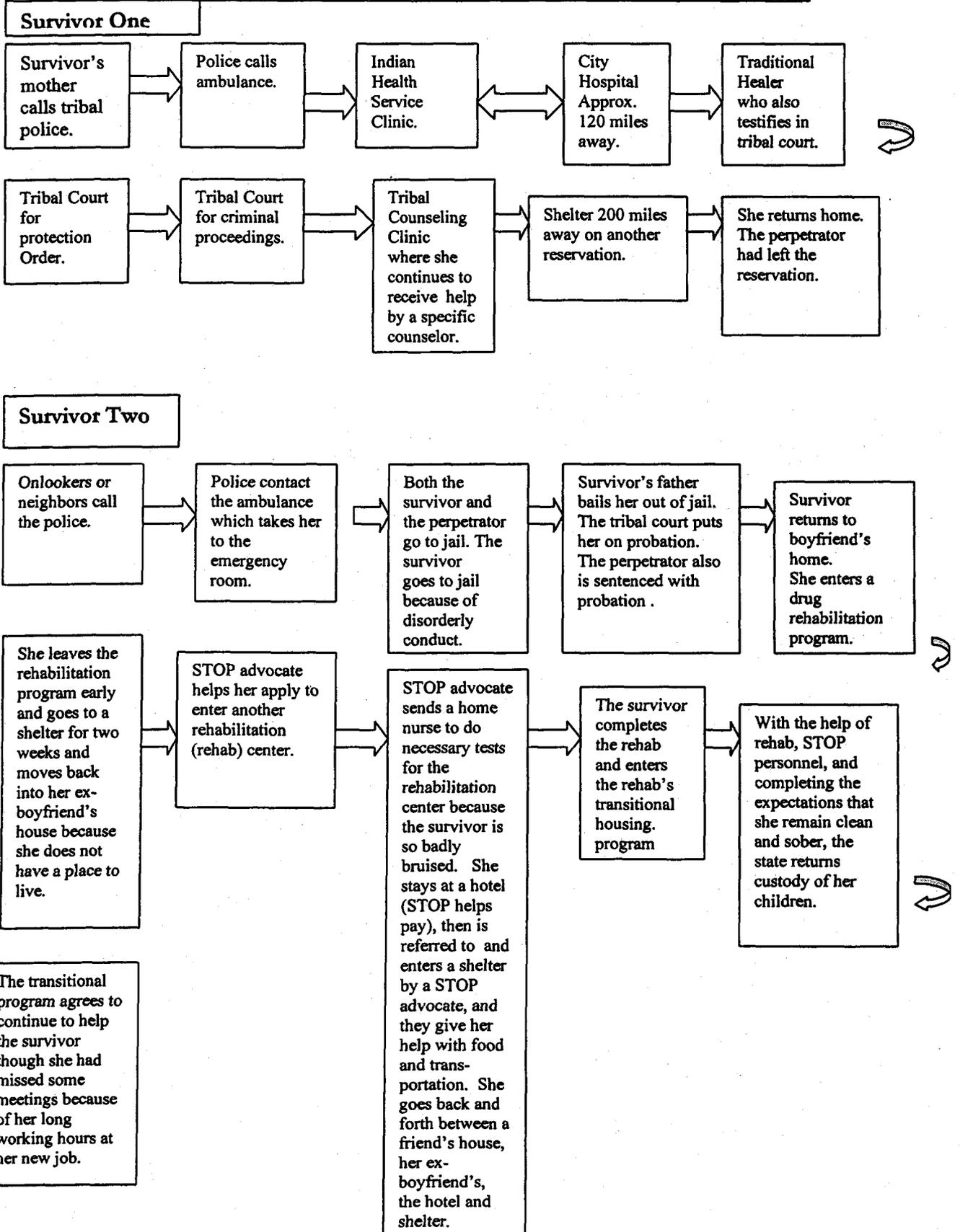
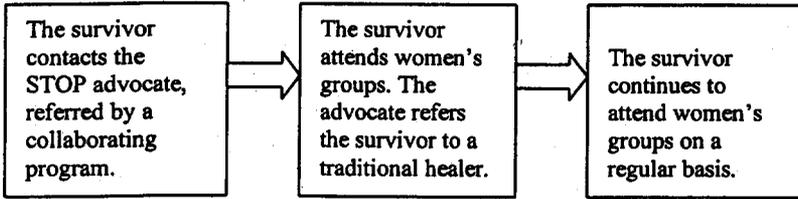
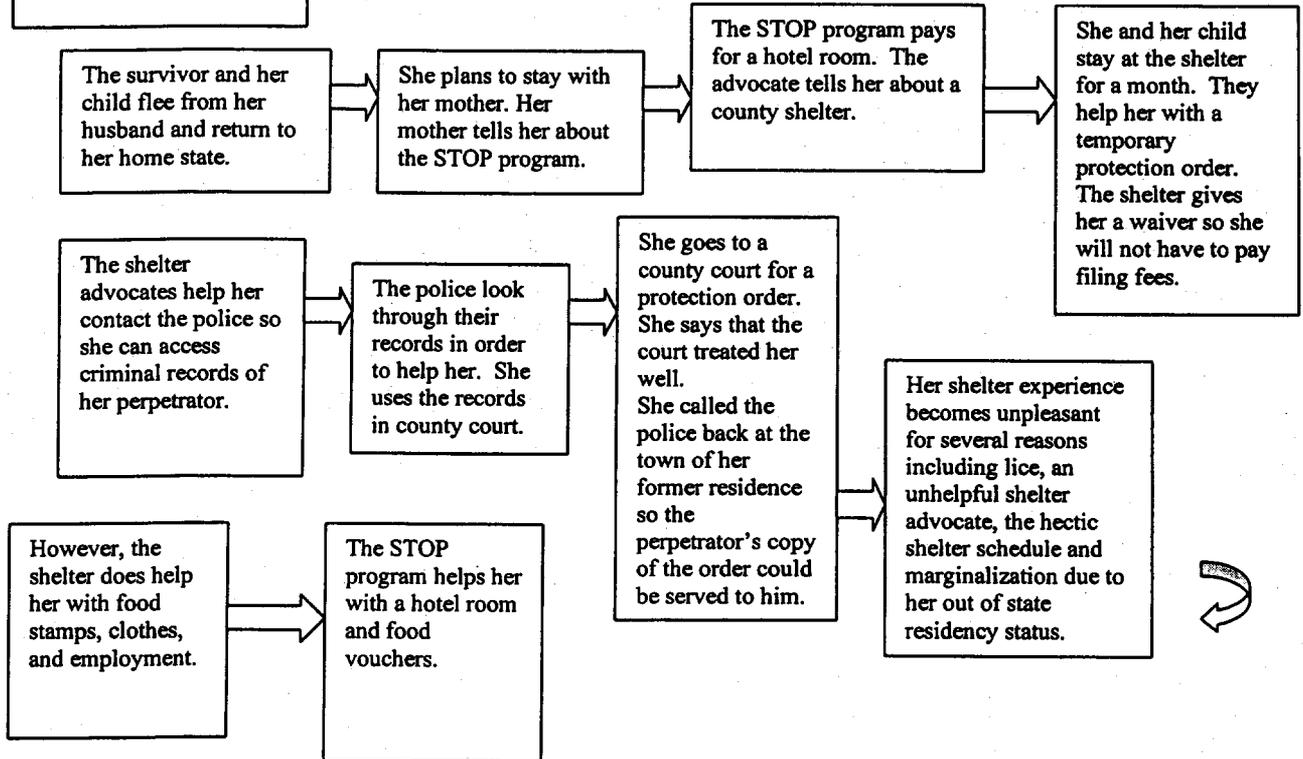


FIGURE III.17 Services Flow Chart

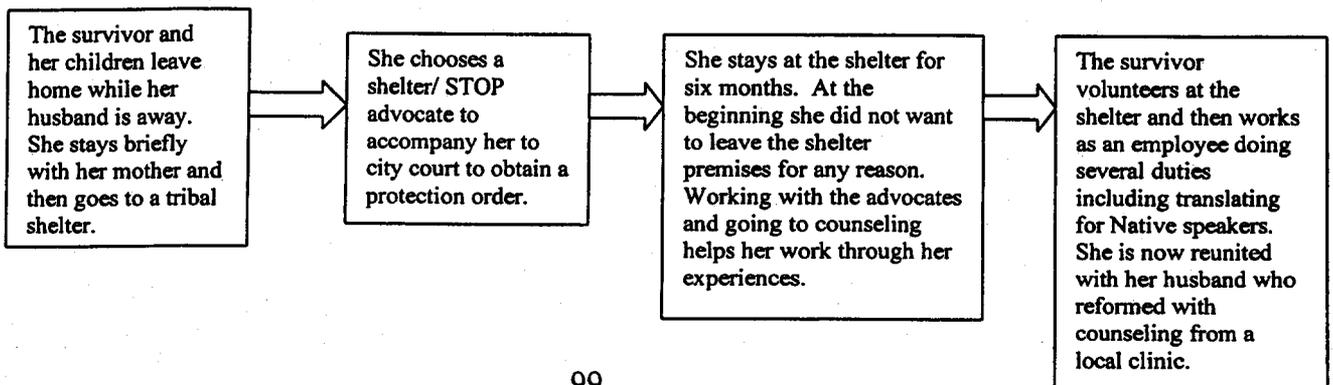
Survivor Three



Survivor Four



Survivor Five



## D. SURVIVOR SERVICES – HEALTH AND MEDICAL

### **Western Medicine and Traditional Healers**

One emphasis in the evaluation is on survivor or service recipient satisfaction with the services that are provided, especially through STOP funded programs. Service providers discussed the types of facilities that survivors most frequently visit when in need of medical attention (*See Figures III.18: Area Medical Services Accessed by Survivors of Domestic Violence and Sexual Assault*). As categorized on *Figure III.18*, there may be more than one service facility per area. A few of the communities also have contracts with other tribes that have Indian Health Service facilities. Thirteen of the tribal health centers in the sample are tribally managed, sometimes contracted from Indian Health Service. All are working toward becoming independent. Not shown on *figure III.18* are the more rare arrangements in which three kinds of options are available. For example, in one community in a relatively urban area a city hospital, an Indian Health Service facility, and a United States Public Health Services Hospital provide medical attention. Most commonly, however, choice is restricted to only the Indian Health Service facility or to a tribal health center.

**Program Administrative Home**

**Area Medical Services Accessed By Survivors of Domestic Violence and Sexual Assault**

	Ind HS.	Hosp.	Trbl H C.	Hosp & Ind HS.	Hosp & Other.	Hosp & Trbl H C.	Ind HS & USPHS.	Ind HS & Other.	Unknown.
Tribal Government	1	0	1	4	0	0	1	0	0
Prosecution	2	1	1	4	0	1	0	0	0
Victim Services	8	3	2	10	0	1	0	0	0
Law Enforcement	2	2	0	6	0	0	0	0	0
Shelter	2	2	0	4	0	0	0	0	0
Court	4	3	1	7	2	1	0	0	0
Shared Between Agencies	2	3	0	1	0	0	0	1	1
Social Services	3	10	5	14	0	0	0	0	0
Department of Health	3	2	0	1	0	0	0	0	1
<b>Total</b>	<b>27</b>	<b>26</b>	<b>10</b>	<b>51</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>2</b>

**Key:**

**Ind HS.-Indian Health Service**

**Hosp.-Hospital**

**Trbl HC.-Tribal Health Center**

**Hosp & Ind HS.-Hospital and Indian Health Service**

**Hosp & Other.- Hospital and Other**

**Hosp & Trbl H C.-Hospital and Tribal Health Center**

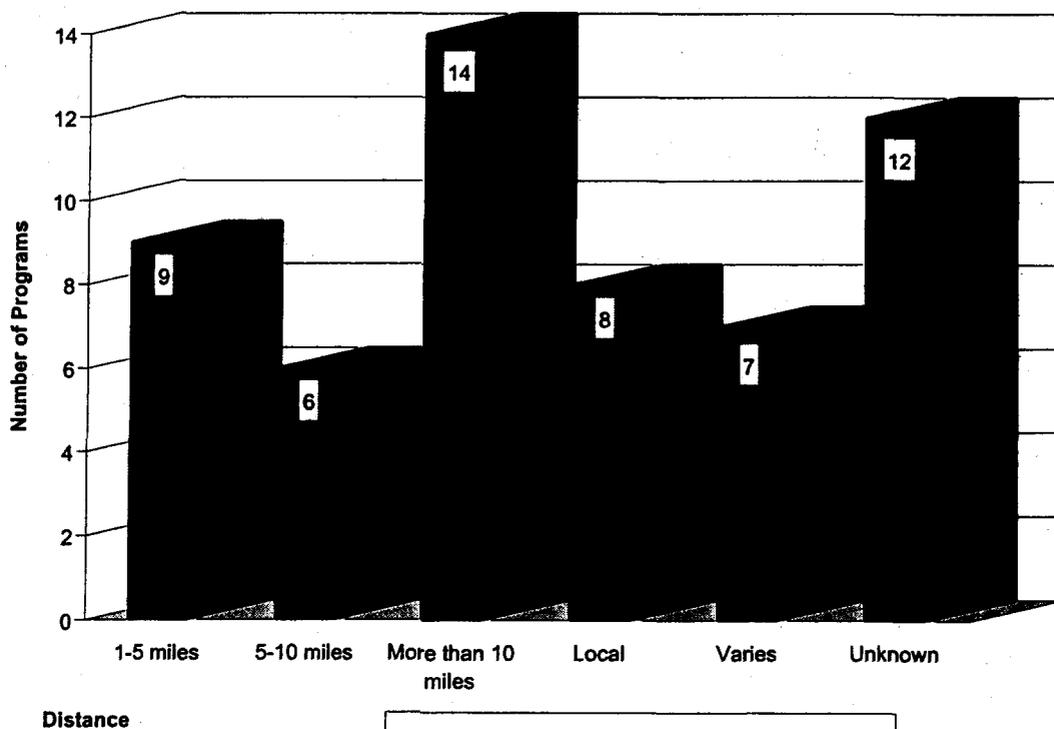
**Ind HS & USPHS.-Indian Health Service & United States Public Health Service**

**Ind HS & Other.- Indian Health Service and Other medical services**

**Unknown.- Available medical care is not known**

**FIGURE III.18: Area Medical Services Accessed by Survivors of Domestic Violence and Sexual Assault. N=123**

There is a wide range of medical service in terms of availability and types of services. Factors such as distance from the facility, hours of service, availability of trained medical staff, and resources are all considerations for victims of domestic violence and sexual assault, and for the service providers who assist them. Many of the facilities in *Figure III.19* include emergency room services or twenty-four hour service of some kind. For example, one service provider mentioned an Indian Health Service facility that is opened 24 hours a day with an emergency room, nurse and on-call doctor. However, most of the Indian Health Service facilities only offer services in the daytime and are limited to treating less serious injuries. These time and service limitations can create severe problems for victims of domestic violence and sexual abuse who may need immediate attention.



**Figure III.19: Distance to Hospital. N=56**

Many of the Indian Health Service facilities are not equipped with emergency technology needed to treat seriously injured survivors. One service provider explained, "In some cases,

they (survivors) may have to wait until Monday morning to receive direct medical care if the health clinic is closed on weekends." Severe injuries or medical emergencies after closing time necessitate a trip to a regional hospital or city hospital. In some other areas, it is necessary to go to the regional hospital for evidence collection for sexual assault cases. One service provider mentioned that domestic violence survivors also choose to go to a regional hospital some distance from her community in order to remain anonymous. In some instances, there may be a choice of two or three regional hospitals in one region. In some very remote and isolated areas, there only may be limited staff, such as an emergency aid trained as a health aid who can administer basic medical attention or, if necessary, call plane medics to transport the victim to a medical facility.

Among six random STOP programs, the average distance to regional hospitals was thirty-eight miles (*See Figure III.19*). A seventh program mentioned that there were two hospitals utilized by survivors: one nearby and one two hundred miles away. Two other service providers from two different communities described the distance to the nearest medical facility as being 30-45 minutes. From the mailout survey sample, most respondents indicated that they send victims of physical and sexual assault more than ten miles away to access medical care. Others sent them up to five miles away or to local facilities.

During one site visit, a survivor who was interviewed had suffered extreme physical injury from a domestic violence incident. In describing the treatment at the local Indian Health Service Hospital, she said, "The nurses were kind of scared to, you know, handle me, really touch me because I was bruised pretty bad, and I think they were scared...because I was making it worse because I was screaming because I was in so much pain. The doctor was actually pretty nice...he was there with me all the time." Due to the severity of her injuries, she was flown to a city 125 miles away for special tests. She indicated that the staff at this hospital was "pretty nice" and treated her "really gentle."

In another community, the description of the quality of care given by the service provider did not match with the way the survivor depicted it. For example, the service providers at the hospital reported that Indian Health Service staff is aware of such things as the need for a private room for advocates and survivors to talk. It is unknown the extent of the training

of all Indian Health Service staff regarding the dynamics of domestic violence, but this is an area of potential future collaboration between STOP funded programs and the Indian Health Service.

Some hospitals and Indian Health Service facilities have protocols for domestic violence cases. However, few of the site visit programs indicated that protocols or formats were in place or utilized. In one community in which there was a protocol, it has been well received and successful. It emphasizes the overall well being of the woman. She is asked about her last examination, nutrition, exercise, and personal safety. Patients are also routinely provided information on domestic violence. This medical facility also collaborates with the police in sharing x-rays of injuries, and has ten traditional counselors on staff.

Well-informed doctors can be an encouraging resource for survivors. For another survivor who was interviewed, in her experience an Indian Health Service doctor provided quality care, had a concerned bedside manner, and shared her knowledge of domestic violence, and area domestic violence resources. This survivor said, "She is a really, really good doctor...She has so much training...She is such a friendly and outgoing doctor." The excellent referral relationship in this particular case and others in the sample, may be directly associated with the Indian Health Service membership in the domestic violence task force of that community.

In one STOP program, STOP funds provided training so medical staff in an area hospital could build competence to act as "safety planners." This STOP program staff person explained, "they will be on-duty staff that can respond to a patient in any part of the hospital to discuss issues more in depth." Staff participate on a volunteer basis to be "safety planners" while they complete their other job duties.

One community used a portion of their STOP grant to develop a thorough, all encompassing safety plan for survivors and their children. This safety plan includes a fill-in form to proactively plan strategies during danger, to identify belongings and paperwork to duplicate or collect together during escapes, safety at home, and ways to form safety collaborations with friends and family, co-workers, and at public locales. Important phone

numbers are to be listed on the plan as well. Additionally, part of the plan is to consider the use of drugs and alcohol while around the perpetrator. Included in the plan is a section concerning staying safe while in possession of a protection order. The survivor plans where she will keep the order, who she will give copies to, where the main registry that has her order on file is located, and where to register it so she can refer to it at any time. There is also a reminder that she can call the STOP program for help as needed. There are suggested actions she can take if the perpetrator destroys her copy, if the perpetrator violates the order, where she can go if the police do not take the order seriously, and who to contact to file a private criminal complaint. The plan goes beyond planning regarding physical dangers, to include emotional health as well, including what to do if she feels like returning to a troubled relationship, what to do when she must communicate with the perpetrator, what to do when others treat her badly, and who to call when she needs support. The plan emphasizes that the survivor create her emotional care in those ways that help her feel empowered, including women's support groups. Over time, the safety plan is reviewed with an advocate or a friend to update its details.

Transportation is also a major issue of concern. Survivors, police, advocates, and other service providers must locate transportation to medical care in urgent situations and for check-up appointments. *Figure III.20. (Types of Transportation Available to Medical Hospital)* indicates nine different sources of transit. Sometimes multiple options are found in the same community. In sixty-three communities interviewed through site visits and the phone interviews, an advocate, most often the STOP advocate provides rides to medical care. The second most common means of transportation is by ambulance. Then in order of frequency, it is tribal or BIA police, city and county police, and finally family and friends of the service recipient who provide transportation. In two of the communities, service providers reported that usually the only transportation option is the survivors transporting themselves to medical facilities.

**Program**

**Administrative Home**

**Types of Transportation Available to Hospital**

	<b>Tribal police.</b>	<b>Other police.</b>	<b>ST/nST advocate.</b>	<b>Chr.</b>	<b>Amb.</b>	<b>Tribal transp.</b>	<b>Survivor.</b>	<b>Family.</b>	<b>Unknown.</b>	<b>Other.</b>
<b>Tribal Government</b>	1	3	5	1	4	1	0	0	0	0
<b>Prosecution</b>	3	2	5	0	0	0	2	0	2	0
<b>Victim Services</b>	11	8	12	1	10	0	1	1	1	1
<b>Law Enforcement</b>	2	1	5	0	4	0	0	1	0	0
<b>Court</b>	7	4	10	0	11	0	1	3	1	5
<b>Shared Between Agencies</b>	3	2	1	0	4	1	0	0	2	1
<b>Department of Health</b>	2	4	3	0	5	0	0	0	0	0
<b>Social Services</b>	11	13	16	0	16	1	2	3	2	0
<b>Shelter</b>	4	3	7	0	4	0	0	1	0	0
<b>Total</b>	44	40	64	2	58	3	6	9	8	7

**Key:**

**Tribal police.-** Includes Bureau of Indian Affairs Police

**Other police.-**Includes city, county, or state police

**ST/nST advocate.-** STOP or non-STOP advocate

**Chr.-** Community health representative

**Amb.-**Ambulance

**Tribal transp.-**Tribal transportation program

**Survivor.-** Survivor transports herself

**Family.-** Family transports survivor

**Unknown.-**No information about transportation types

**Other.-**Includes taxi, Indian Health Service, social worker, judge, or other agencies

**FIGURE III.20: Types of Transportation Available to Hospital.  
N=123**

## Case Studies

Some regional and some Indian Health Service hospitals have created a Sexual Assault Response Team (SART). The two case studies illustrate how response operates.

### Case Study - Coordinated Community Response

In one community, the department of family and youth services, the district attorney, police department, and both Indian Health Service and community hospitals work together on SART to accomplish the goal of successfully prosecuting sexual assault cases. The program is still in its early state. One of the hospitals plans to provide a designated treatment room, to share equipment, and to absorb the costs of utilities and administration. To facilitate evidence collection for prosecution, the police department will cover the cost of the examination rape kit. A police officer must sign the examination form to authorize the payment. At the time of the evaluation, the SART team was still formulating an external response protocol that will include follow-up with the victim outside the hospital setting, and an internal response protocol for the hospital setting. The team is considering the police officer, dispatcher, or a member of the community hospital as the first notifier of SART.

Ideally, the team envisions an advocate, SART nurse, and police officer present at the hospital during the interviewing process, with the advocate taking a lead role. The advocate, termed an "advocate peer," will be the first to meet the victim at the hospital, and will remain with the victim throughout the examination and interview. The advocate will explain procedures, inform the victim of her rights, remain with her during the examination, and tell victims what to expect during the interview following the examination. Once the victim gives informed consent, the SART nurse will physically perform the examination.

When SART was established in this community in 1997, the coordinator who is paid for her part-time position with a STOP grant had previously been a physician's assistant and had worked in Indian communities. Her role is to lead the SART team through the assistance process. At the time of the evaluation team site visit, SART had already sparked some changes in this particular community, in helping to improve previous extremely negative experiences of victims of sexual assault and domestic violence in that area. This coordinated community response has been instrumental in establishing examination procedures that

strive to make examinations not only effective evidence gathering procedures, but also attempt to reduce alienation, disorientation, and to create a secure environment for victims undergoing examinations. The program has also changed procedures so that questions are not asked repeatedly, and advocates work to maintain a sense of continuity and safety for victims.

#### **Case Study - A Task Force**

In another community, the SART nurse is the only member of the response team. However, she works closely with a community task force. She follows prosecution of cases carefully. After the consent of the patient, she specializes in performing examinations, which are an invasive four-hour procedure. She submits a report and any photographs to the police department or state troopers, but does not send it to the STOP program. However, all task force members are kept up to date regarding the case. She also educates about domestic violence, giving packets of information out to women patients about STOP related programs. A special room has been set aside in the city hospital for this nurse's work, and now all females over the age of twelve are screened for possible domestic violence. All of these activities are the result of the presence and coordination of the SART program.

As this program is getting off the ground, there have been efforts to maintain the process so that victims of domestic violence or assault do not have to go through the very upsetting experience of repeatedly telling the incident to various people. In this community, advocates play a crucial role in helping sexual assault victims. They are often called by the victim, the hospital, or the police to be present during an examination. Beforehand, the victim is asked if she minds having an advocate present during the examination. The SART nurse commented, "I haven't had anybody say, 'no'."

The importance of well-trained SART nurses and hospital staff can be illustrated through the experiences in another community of a survivor of sexual assault while pregnant. She

sought help at an Indian Health Service hospital after one incidence and at a regional facility after another rape. Her experiences at both were very different. She went to the Indian Health Service hospital after the first rape. A friend transported her to the hospital. She was very worried about her baby. The medical staff monitored her and found out the baby was fine, and gave her cards with crisis numbers on them. She told the evaluation team member that the doctor told her that, "it would be my word against his," and so she said, "that's why I decided not to press charges at that point." She was raped again. This time she went to the city hospital. She wanted the rape to be taken seriously this time because she felt her life had been threatened. She thought the city hospital staff treated her coldly because she did not seem upset. She explained, "I was just tired, and so I had stopped crying. At the hospital they didn't give cards, or they weren't talking to me." They did not give any referrals either. She said, "That was how come I was kind of disappointed in that facility versus Indian Health Service (IHS), because I was surprised... that they (IHS) were better than the city hospital." She found that the Indian Health Service personnel "were a lot nicer."

Service providers and service recipients also mentioned the importance of traditional healers and natural helpers in physical and emotional healing. Survivors were specifically asked during interviews if they had sought help from traditional healers. One service provider mentioned the use of ten natural helpers who counsel entire families. Commonly survivors mentioned seeking help from traditional healers, even when service providers had not mentioned the presence of this type of help. This inconsistency most likely indicates not a lack of involvement of traditional healers, but a weakness in the evaluation research design. Service providers were not consistently and purposely asked to remark on the contributions of traditional healers. Service providers might also have interpreted traditional healers to be outside the realm of interest for this evaluation research. This is a topic for future research as a possible key to survivor and community well being.

Two of the service recipients interviewed at one community indicated seeking such help. One said that the traditional healer "went up there to the hospital to check me all over" and treat her broken bones. This healer also testified in her court case in the tribal court. She explained, "Usually that's what they do. They are willing to help out." Two other women

interviewed mentioned the help of a traditional healer. One indicated she received help with her chronic medical condition, but went to the STOP advocate for emotional counseling. The STOP counselor referred her to the healer. The other survivor went initially to her healer to talk about her life, and this healer referred her to STOP related services.

In another community, the service providers and the survivors recognize the important work of the traditional healer in helping women through one on one interaction and in women's groups. Before the STOP grant, the traditional cultural and spiritual component was a much smaller part of the overall process. The grant has strengthened and enriched this avenue for well being, working in coordination with other entities in the community. Funding from the STOP grant covered the consultation fees of a woman traditional healer who worked as a spiritual counselor. Having a traditional healer on staff in a STOP program has permitted the use of cultural aspects, art, and culturally specific and appropriate counseling methods. Survivors are comfortable with these and their involvement contributes to reviving traditional spiritual practices.

In this community, the traditional healer and other advocates facilitate women's groups and gatherings. The traditional healer said that these activities help raise women's self-esteem through the creative projects, teachings, and "alternative ways to handle their situation." This process, said an advocate, "brings them some peace, harmony, and balance into their lives, by being able to share in a healthy way, with other women." The advocates in this program say, "There is always a spiritual need, reconnecting with their spiritual side and we find that is really a key component of healing." The tribally specific philosophy of that program's community provides the healing framework for survivors of violence. This living philosophical model guides the healing process, life stages, and ceremonies, and focuses on spiritual aspects, the individual, the nature of relationships, of society, and institutions. In addition to working in groups, the activities include individual sessions. The healer sees the women applying these teachings to their lives.

A bond may develop between the survivors and the healer, which furthers the well being of the survivor. One survivor stressed, "At the time, I just couldn't trust anybody and then I met with (the advocate who is also a traditional healer) about a couple of months ago. There

is something about her. I don't know what it is, their voice or their caring, but she is something else...I am really glad she is here." As shown by this quote, the bond benefits the survivor as she works through trauma and mistrust.

## **E. SURVIVOR SERVICES: THE ROLE OF THE ADVOCATES**

All of the STOP grant recipients provided some sort of advocacy, whether personal, legal, or medical. The exceptions were the two programs in which the purpose of their grant did not include providing direct services. In some cases advocacy was coordinated through combining response systems with other, non-STOP programs such as Victims of Crime, or collaborating with existing tribal programs, neighboring tribal programs, or with city, county, or state funded programs. During the interviews with survivors there was strong agreement that advocates are an important component of domestic violence, sexual assault, and stalking response networks. Working to create and maintain a coordinated community response, the legal, emotional, and health service support that the advocates carry out adds to victim safety and well-being.

### **Who are the Advocates?**

In looking at the STOP grant programs it is evident that the role of the advocate has been filled by a variety of different people who fit into the overall STOP program in diverse ways. Here are some of the types of advocates that different programs identify:

- 1) Community Members. Many of the advocates are and have always been seen as community members with long-standing ties to many people. One of the service recipients knew her advocate when they were teenagers. They had played basketball together.
- 2) Service providers who possess advocate-like responsibilities. These service providers respond in an advocating manner toward victims. These could include a police officer such as the one who stood up for the survivor being accused of intoxication at the Indian Health Service Hospital.
- 3) Volunteers. Some programs train volunteers as advocates. Volunteers often are the helpful and calm voices at the other end of a domestic violence crisis line. Some of the

survivors of domestic violence become volunteers. One woman commented that because she was a volunteer, she could more directly approach women whom she sensed needed to know about the domestic violence program because “official” advocates wait until a woman comes to them.

4) Survivors of Violence. Many former victims of domestic violence become advocates and sources of help in their communities, either formally or informally. Some of the survivors interviewed had already started active outreach as volunteers and paid staff.

5) Social Workers. These are advocates who do case management, keeping extensive records in a structured agency.

6) Program Coordinators. There are many STOP-funded programs that have only one staff person, the program coordinator who does everything, including direct victim advocacy.

7) Family Liaisons. These are personnel who not only advocate, but also being called “family liaison” provides the message that they work toward the well being of each family member and the family as a whole. Keeping the family together when this is desired by that family is a goal these advocates frequently work toward.

8) Shelter Workers. Shelter workers do much advocacy because they see a survivor of domestic violence and her children on a day-to-day basis. Shelter workers have to be knowledgeable and sensitive to meet the needs of guest families. This includes safe house workers as well.

9) Specialized Advocates. These are advocates who perform one type of advocacy such as legal advocacy or personal advocacy. The extent and nature of this help differs from community to community.

10) Multipurpose Advocates. These are advocates who offer more than one type of advocacy. These are advocates who can help with both legal matters and with personal and family matters. The extent and nature of their help differs from community to community.

11) Traditional Healers. These are advocates who also differ from place to place in how they assist survivors of domestic violence and sexual assault. They provide spiritual and/or physiological treatment to survivors. They are sometimes involved in the courtroom as witnesses.

12) Child Advocates. Several programs provide child-specific services for the survivor's children who may suffer from trauma or be victims of violence as well.

13) Sexual Assault Advocates. These are specialists who are available 24-hours a day to specifically assist women who are the victims of sexual assault, often serving as expert witnesses in court.

14) Housing Advocates. These are specialists in available housing and other forms of temporary shelter, as well as housing costs, safety, and housing social services.

*Volunteers* support STOP programs in many ways; one of which is in taking on advocacy roles. Volunteering work as a catalyst in getting the community involved, in grappling with the issues of domestic violence at a community level, in handling a part of the work load, and in showing support to the survivors of domestic violence. For the fourteen programs that were site visited, thirteen mentioned the use of volunteers in their programs. The director of one program spoke highly of volunteers, many of whom take courses at local tribal and mainstream community colleges, technical institutes, and universities. At times they volunteer because they have internship credits to earn, and this is one way for students to see if they fit into this type of work. In the case of interns, the work they do depends on schooling and the purpose of their internship. Duties may include childcare, presenting workshops, or providing transportation. One of the survivors of domestic violence who was interviewed indicated that she volunteers to facilitate women's groups when they disperse into smaller activity groups and that this role was a big step in her personal growth.

At another STOP program a volunteer coordinator establishes and maintains volunteer recruitment and training programs, screens volunteers, accounts for volunteer services, and

communicates with and arranges for utilization of volunteers. In this particular program, volunteers operate the crisis line and provide other essential program services such as serving women in outlying and remote areas. These volunteer advocates receive twenty to thirty hours of training and subsequent follow-up training. In this program during 1998, thirteen volunteers donated over 5,000 hours of service to the crisis hot line. At another STOP program, a collaborative shelter, twelve active volunteers provide childcare, staff work parties to clean up yards and playgrounds, and perform other necessary tasks.

*Child advocates* provide counseling, art therapy, group counseling, and therapeutic playtime. Sometimes, children's groups are held during the times when women's groups are being held. One child advocate and counselor said,

We'll talk about why we are there; and why are your parents in treatment; and what does it look like at home; and have you seen changes; and all those kinds of things. And that group has been doing very well. It seems like they are quite relieved to have some place to talk about it. I think the group thing is great with domestic violence, because I think one of the big things with children is that they feel like this is normal, so hearing that other children are going through the same things and experiencing it as unpleasant and scary and distracting and things like that is extremely therapeutic for them.

Having counseling for children is very comforting for the mothers who notice how their children are being effected, and worry about them. All the survivors of violence who are mothers talked in depth during the interviews and with great concern about the effects of violence on their children, the services their children received, and often communicated the "togetherness" of getting through the kinds of violence they experienced. There was also frequent concern for the future protection of their children.

#### **Advocate Qualifications**

At one STOP program, the advocates are required to have a four year degree or extensive first hand experience. The director of this program has seen the available pool of potential staff people grow over the years as more Indian people are qualified for placements as advocates. The director said, "Each one brings a really different background to the table and I think that is a contribution to the success too because then we have those different views." Another program associated with a collaborative shelter, hired a Native women's advocate who was knowledgeable about local Native cultures, but who was not herself a Native

woman. Often identity issues arise during advocacy work. For example, one advocate found that some survivors distrusted her because she perceived that they thought she is not "Indian enough." However, at another STOP program an advocate who is a non-enrolled tribal "member" may speak for and help other women who are in the same situation, so that they receive the same quality of advocacy.

Many of the advocates are themselves survivors of domestic violence or sexual assault. For example, in one program an advocate and former victim has worked her way into the direct services coordinator position. She also does community education and advocates for tougher sentencing for perpetrators. Another advocate at a STOP associated shelter, encouraged a lenient pet policy at the shelter because her dog saved her life by attacking the abuser when she lost consciousness during an attack.

At another program, the advocate is a survivor of domestic violence. Her experiences worsened at about the time the STOP program publicized their services on a community bulletin board. She was nearly killed during the first instance of domestic violence, but did not respond to the bulletin board initially. She distrusted tribal and community attitudes toward domestic violence and she felt that the bulletin, which read something like, "if you're interested, come around," did not offer any realistic hope of help. She had experienced first hand the lax law enforcement and court proceedings, the political favoritism of the courts (the perpetrator was a politically powerful person), and the run-around in getting a protection order. Four years later, the perpetrator continued to harass her during her work as an advocate. She told during the interview that she took the attitude that she was going to be an example for other women, and "show all the women out here what to do." She obtained a state protection order while waiting for tribal court proceedings scheduled for a future date. She commented that she is very proud of the domestic violence program and how far the community has come since the inception of the STOP grant.

### **Advocate Profiles**

At one STOP program a typical advocate's day consists of providing crisis intervention, information and referrals, support, legal and medical advocacy, assisting in contacting an

emergency shelter or finding a hotel room, conducting community education, and coordinating a team of volunteer staff. In another program, the philosophy is to empower the women by having them make phone calls to various agencies, instead of doing it for her. On average, the advocates deal with 12-20 survivors each month, many whom are contacted via police reports.

The role of advocates in court differs from program to program. At times, the advocate may represent the victim in court, or may simply be present for the victim who then speaks for herself. One victim of domestic violence who was interviewed said that the two advocates who accompanied her to petition for a protection order were like two "bodyguards." The civil court judge in one case feels that women who come into court with an advocate are more aware of their rights and that the advocates take time to prepare women for the pressure of the court to ward off intimidation.

Repeatedly, interviewed survivors of domestic violence and sexual assault commented on the value of the advocates. Hearing directly from these survivors is a powerful way to acknowledge the crucial role played by the advocates in many of the STOP funded programs.

*"They (the advocates) kept us going, (saying), 'Hey, you guys are o.k. You aren't alone in this mess.'"*

*"They were my support group...when I start feeling overwhelmed or stressed out, or I just needed someone to bring me down to reality; to make me think about what I've done so far, I usually call them."*

*"Just them being there, that really helped out a lot...I think if it wasn't for them I wouldn't have gotten the help I needed because I didn't know. I wasn't aware of a lot of things that you could do. You can file a restraining order against him and you didn't have to put up with an abuser. You can leave if you want; there are shelters to go to, and there is support (for) moving on."*

*"I can call her any time. Sometimes I call her every other day, just to keep contact with her. She's my moral support. She's my friend."*

*"They did a lot of listening. They did a very good job. I wouldn't have known where I would have been, probably got killed if I ever ran away. It really helped to talk to somebody that you trust."*

The most satisfactory advocate and survivor relationship ensures support, confidentiality and trust in the long term, not just one time crisis help. One survivor commenting about the advocates said, "It just seems like they are so soft-spoken and they know what to do. And they are just caring, very caring. They keep in contact with you. They don't just help you one time." The survivor and advocate doing tasks together help the survivors of violence through their experience more than in the interaction of a professional to client relationship which is based more on an all-knowing entity providing knowledge and services to a less informed person. The relationship may polarize to a professional doing everything for a client, or a professional doing the least expected for a client. The survivors of violence who were interviewed preferred working together as partners with an advocate or other service provider.

A number of resulting significant best practices became evident through the interviews with the service recipients or survivors of domestic violence and sexual assault. These are:

- Advocates who help with the small details of larger problems provide more assistance than those who only give general suggestions and guidance. For example, one advocate types a protection order instead of just handing it to the survivor to fill out. In another situation an advocate simply gave the survivor a pamphlet and suggested she go to the courthouse early in the day to get a protection order. This process took the survivor the entire day to apply for a protection order. In many cases, the advocates helped the survivor fill out the form. Taking care of small details can be very important. For example, one woman needed her phone number to be unlisted, and an advocate helped her with that small, but important detail.
- Service to victims is more effective when it is acknowledged that survivors not only come for help because of recent experiences of violent victimization, but also because of past experiences of victimization that still affect them. One of the survivors interviewed came to the domestic violence program to work through trauma that had occurred in the past. Several of the women had experienced long term abusive relationships with the same or different partners. Another woman

interviewed came in for crisis help because of economic stress and homelessness of the entire family that could have compromised the harmony she and her partner had worked out on their own. This was a harmony that had been disrupted by violence in the early years of their relationship. The response systems in areas where these women lived were open to helping them, not only women with current violent relationships.

- Service to victims is more effective when it is acknowledged that survivors see the context of domestic violence as more than just between partners, but as intertwined with other kinds of violence like child abuse, or as affecting children who are witnesses of domestic violence. Survivors are very concerned for their children and their community's children. Again and again during the interviews, survivors with children expressed concern about the effect of abuse on their children. In some cases, abuse of the child was the factor motivating a woman to leave the relationship. When survivors were asked how to improve response, many spoke of the violence against children that needed as much attention as that between partners. Family violence and domestic violence as defined by the survivors interviewed was about the children, as well as the adults.
- Service to victims is more effective when it is acknowledged that relocation may play a part in the experiences faced by victimized women.
- Service to victims is more effective when it is acknowledged that victimization was of many kinds including mental, physical, and sexual victimization, and that perpetrators may include brothers, fathers, and partners.
- Survivors preferred being treated "as equals" by advocates.
- Service providers who attend to each woman individually, offer more effective help than those who offer identical options to everyone. All of the survivors interviewed had different situations, different needs, and different choices to make. No situation was exactly the same. For example, one woman who was badly bruised on her face needed a nurse to come to her home and conduct medical tests as part of her application to a drug rehabilitation center. The advocate arranged this home visit. Another example illustrates this individual approach, when one woman asked for help in finding housing that was not in a public housing complex because she had

bad experiences with such housing previously. The advocate agreed that finding alternative arrangements would be healthier and safer for the mother and children.

- Survivors have often received poor treatment by service providers in the past due to confusion regarding jurisdictions. After these negative circumstances, dealing with STOP advocates and STOP related services often seems like a “breath of fresh air.”

### **Advocate Services**

The advocates among the STOP programs provided help in the areas of medical, legal, and personal services, while continually providing concern for safety, emotional support and encouragement to help the survivor cope with the aftermath of victimization. Each of these three types of assistance includes much variation due to funding constraints, legal constraints, advocacy protocols, and the types of programs available. Behind the jargon of such categories as “crisis intervention” and “emergency services” lie the “active” strategies, which benefit the service recipients.

### **Medical Advocacy**

The following are some of the usual medical responsibilities of the advocates as reported during the evaluation.

#### **I. Being Available at a Hospital or Clinic**

- A. Providing transportation to hospitals, Indian Health Service Clinics, doctor’s office in emergency or appointment situations;
- B. Being available at the hospital for the survivor, either on call, or waiting while a survivor is being seen, and during a rape/sexual assault examination

#### **II. Education**

- A. Explaining details to medical personnel at survivor’s request
- B. Explaining to the survivor how nurses and doctors do certain procedures and rape examinations

#### **III. Referral and Networking**

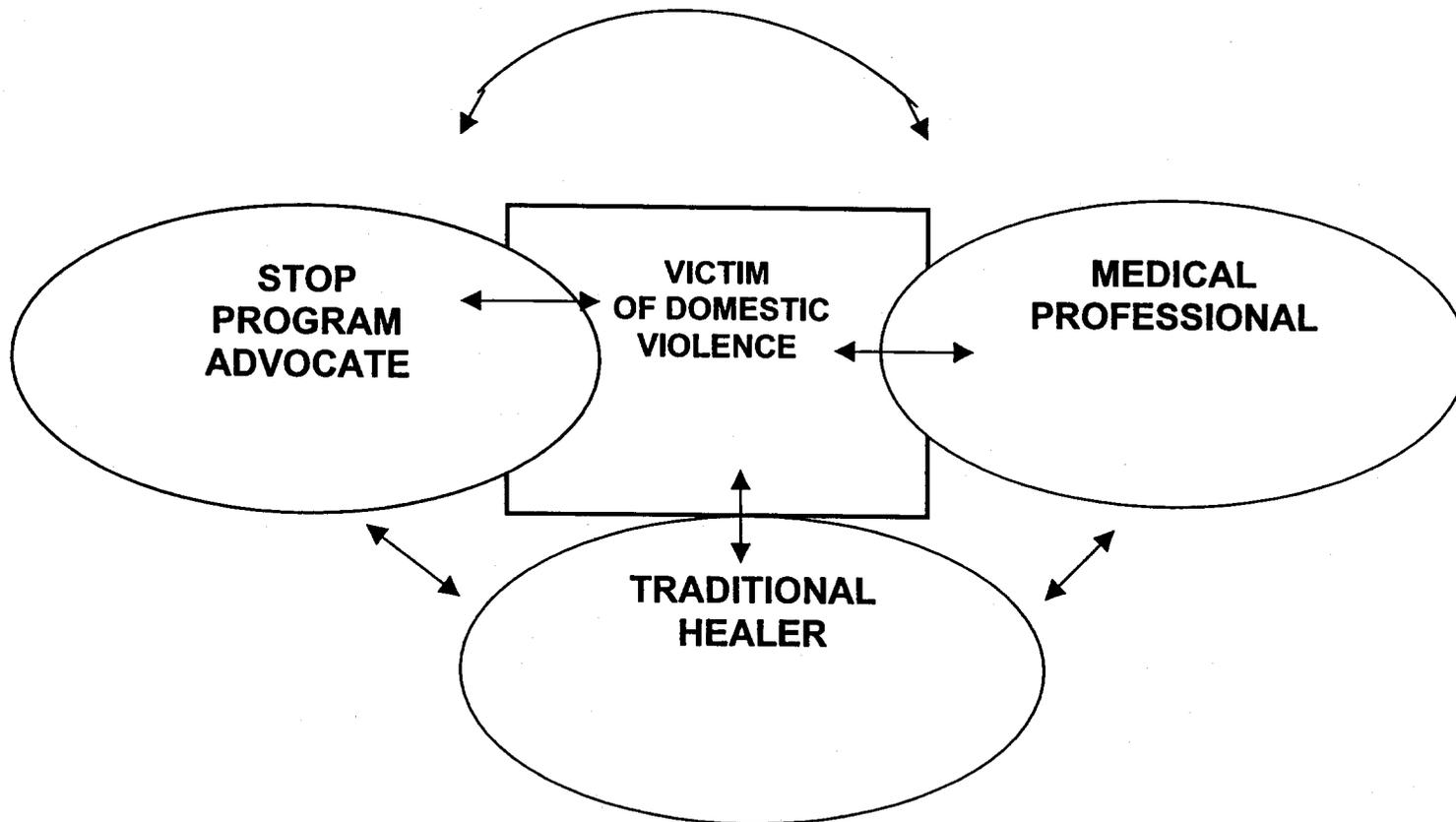
- A. Referring survivors to a traditional healer and other health practitioners
- B. Networking with medical personnel and SART personnel.

## Case Studies

The following two case studies illustrate two contrasting situations: one in which the advocate plays a crucial role in networking with medical personnel, and the second one in which a police officer took on an ad hoc advocate role in a circumstance where a formalized advocate position would have been vital to the service recipient's well-being but was not present.

### **Case Study: Networking with Medical Personnel-A Best Practice**

Networking is a dynamic and flexible process that links individuals and organizations in such a way that information, resources and assistance have the possibility to flow in one or more directions. Networking is a valuable mode of relationship-building, and therefore one of the principal social dynamics that the evaluation team identified as a "best practice" in accomplishing the goal of diminishing violence against women.



**FIGURE III.21: Networking with Medical Personnel**

In one situation discussed during the evaluation interviews, the service recipient's traditional healer provided the referral to the domestic violence program. Another service recipient described a competent and caring female doctor who was able to give her contact information for the STOP funded program that was in the community. These medical personnel were knowledgeable about the STOP programs due to the networking and public relations of the STOP program's advocates, and the trust relationships built up between service providers. It also appears that these medical professionals were familiar with the dynamics and manifestations of domestic violence through training or self-education, both of which were enhanced by the presence and resources offered by the STOP program. This referral process can also be a two-way street in which the STOP advocates can refer the service recipients to the traditional healer and medical personnel that would best suit them, as well as empathize with their experience of being victimized.

#### **Case Study: The Need for Medical Advocacy**

When one survivor of domestic violence who was interviewed during the evaluation, arrived at the hospital, she had already undergone a bumpy and uncomfortable ambulance ride. The intravenous in her arm throbbed painfully and she later thought it was improperly inserted. At the Indian Health Service hospital, she had to wait a long time to be treated and she felt that the receptionist and nurses acted uncaring. In her words, "It was pretty slow. It was like I was there; I was waiting, waiting, waiting. They took all this information so long ago so... it took a while for the doctor to come and see me." She explained to the nurse that the intravenous was hurting her arm. She said, "They weren't too concerned. I didn't have any shoes on. I had flip-flops on. I took those off so I could run faster. The impression that they gave me was that they thought I was intoxicated, which I wasn't." She continued to explain to the nurses that she was sober. Finally, a tribal police officer who was waiting with her children in the waiting room told the nurse that she was not intoxicated. This officer remained at the hospital and later took her and her children to a shelter.

In this situation, a formal advocate was not on the scene. However, the officer "advocated" for her to set the record straight, informing the nurse that the patient was not intoxicated. The incorrect perceptions regarding this woman by the medical staff had affected the quality

of her medical care and the bedside manner of the hospital personnel. This is one example, but by no means the only example or only reason why medical advocacy is needed to ensure care and concern, and not further victimization.

## Legal Advocacy

*"She was there all the time with me. You know the things that the prosecutor asked me she'd explain it to me because I didn't understand it – the prosecutors, the attorneys and all this. This was all new to me"* (A survivor of domestic violence).

Legal advocacy entails a number of aspects, some of which are the following:

- I. Assisting with protection order preparation
  - A. Explaining the survivor's legal rights
  - B. Asking the survivor if she wants a protection order
  - C. Explaining how to apply for a protection order
  - D. Giving out pamphlets or showing videos on the process of applying for a protection order
  - E. Having legal paperwork on hand at the advocate's office
  - F. Typing or helping to fill out the paperwork
  - G. Explaining what it is like in court to petition for a protection order
- II. Assisting and accompanying in court
  - A. Explaining how to prepare for court, such as how to dress
  - B. Accompanying the survivor to court or go in the place of the survivor
  - C. In a survivor's words, "make court less scary"
  - D. Helping to arrange a police escort to court
- III. Helping to renew a protection order
- IV. Researching and helping with other legal matters such as check forgery and child custody
  - A. Advocating during child protection cases
  - B. Asking informed questions about a survivor's case
  - C. Accompanying a survivor to court for criminal proceedings
  - D. Speaking in court while in consultation with the survivor

- E. Working with judge and prosecutor and clerks to provide sentencing suggestions for perpetrators and other issues
- F. Helping a survivor write a victim impact statement
- G. Reading victim impact statements in court
- H. Helping access reparation
- I. Acting as an expert witness

### Case Studies

The following two case studies illustrate two aspects of the role of the advocate in providing legal advocacy. In the first, the advocate is providing necessary assistance, both technical and emotional, at various junctures in the legal procedures that a victim of domestic violence or sexual assault may face. The second case study illustrates some of the more negative experiences of service recipients when an advocate is not present.

#### **Case Study: Walking Beside the Survivor through the Legal System-A Best Practice.**

Nervousness and intimidation during both tribal and non-tribal court procedures is a common theme relayed by interviewed service recipients and advocates. The service recipients report several emotions even to the point of physical symptoms of sickness in the courtroom. These are often due to anticipation, the power dynamics of the setting, the discomfort of having children testify, and having to face the perpetrator and his support system. Having an advocate by your side can be effective in diminishing some of these negative experiences. For example, one survivor received help in every step of petitioning for a protection order. All the forms were at the STOP funded program office. The advocate explained the filing process and then accompanied the service recipient to the non-tribal court. At court, the advocate explained the reason for their visit to the clerk. The service recipient did not have to speak until the actual courtroom hearing. She commented appreciatively, "They don't just give you the form and say, 'Here'...they are right there with you all the time." She also said, "I think unless you have somebody helping you or kind of like working with you, and then you'll go through it. But if you're just like all alone, you just say, 'Oh, heck!' You'll quit or something like that." Some advocates are able to achieve "speedier access to the court." In some communities, the advocate petitions for a protection order in place of the survivor. This eliminates the revenge dynamic by the perpetrator, and

the discomfort and fear of a court experience. In some locations the advocate may be the service recipients stand-in, in that she tells the court what the service recipient wishes to share.

### Case Study: The Need for Legal Advocacy

Sixteen of the twenty-six service recipients (62%) who were interviewed utilized court systems. Of the sixteen, 50% expressed dissatisfaction with some part of their court experience, both concerning protection orders and criminal hearings. An equal number of those who were satisfied and those who were not satisfied attended tribal and non-tribal courts. For example, at the time of the interview, one service recipient had attended several court appearances to deal with protection orders, divorce, child visitation, criminal charges, and in the future for charges on check forgery and more child visitation. During the criminal charges leveled against her perpetrator, she had police escort her to court, an arrangement set up by a non-STOP advocate. However, at the court appearances, the service recipient said during the evaluation interview that the police "coddled him," with the attitude that "Oh, this poor man has been through stuff" and treated him like he was just a little crazy, but not a criminal. She called this, "the old boy mentality." She commented about the outcome, in which he was charged to attend a domestic violence education program.

He hasn't done it as far as I know. I tried to get some anger management things in there and I basically did a lot of things on my own, you know, trying to keep weapons out of his reach, because I didn't know which way it was going to go. Initially in court they awarded him unsupervised every other weekend, and I broke down. I would run before I would hand her over to him. . . So I was able to go into court and I filed my own motion for change and. . . I was able to get that changed, unsupervised, and now we are just trying to battle the visitation issue again.

The visitation issue was particularly urgent for her to take action on because the child's father had abused the child. She had not had time to present that in court in earlier hearings. Her ex-husband did not show up to the protection order hearing or the divorce decree hearing. Recently, she discovered that three women in less than a year had filed a protection order against her ex-husband. Additionally, in another county court she renewed her protection order, again with the help of a STOP advocate. This hearing was particularly difficult for her. She said the county judge told her, "I can't give you protection based on

the fears you have.” She said, “[the judge] put me through the ringer. He really did. I did so good at keeping us in hiding that it was almost used against me.” The judge issued her the protection order, but she is afraid that the next time she will not be able to renew it. She debriefed with her advocate afterwards. Her advocate continued to attend meetings with her about the child visitation. She said concerning their meetings about child visitation, “She [the advocate] asked questions that I may have thought of, but I didn’t want to offend and [she] came in and asked them in a correct way.” The advocate was also trying to get a particular social worker admitted into court. As shown in this case study, the advocate becomes a partner with the service recipient in sorting through and accomplishing the legal goals to protect the service recipient’s family. Advocates can be there when other response systems, such as the courts, are not working as smoothly as they might in protecting the survivor of violence.

### **Personal Advocacy**

In numerous ways, the advocates carry out a wide range of personal advocacy tasks. These include:

#### **I. Assisting with shelter**

- A. Helping make safety plans if the survivor wants to keep the family together
- B. Helping the survivor and children find a safe place to stay, including a shelter, safe house, or hotel, and helping find permanent housing
- C. Transporting family to a shelter or other necessary places
- D. Helping the survivor become harder to track down, such as using an unlisted phone and address

#### **II. Assisting with resources**

- A. Providing financial help or help apply for financial help
- B. Providing basic needs like food, children’s supplies, and clothing or vouchers or help apply for food stamps or commodities
- C. Helping access substance abuse treatment centers
- D. Helping access counseling
- E. Constantly finding fresh referrals
- F. Being a reference when needed for school or housing applications

#### **III. Lend emotional support**

- A. Helping problem solve when crisis appear
- B. Keeping in continuous contact with the survivor
- C. Being available 24 hours on-call or via crisis line
- D. Listening in a non-judgmental way
- E. Keeping confidentiality

IV. Organize groups

- A. Facilitating culturally appropriate women's groups
- B. Providing art materials and conducting art groups

V. Acting as a mediator in child custody cases

VI. Carrying out community education and networking

- A. Educating survivors and the community on the dynamics of domestic violence, assault, and stalking
- B. Planning community awareness events and public relations activities
- C. Networking with other service providers, especially multi-jurisdictional if the service area is wide
- D. Training and networking with non-Native services that survivors often utilize

**Case Study: Women's Groups Connecting to Culture and Creativity—Best Practices**

At least two of the STOP funded programs offered women's groups in which women met and created art projects with cultural significance. The women who were interviewed from the diverse STOP programs indicated that listening, trust, and being able to express feelings were part of their healing process. Women's groups provide multiple avenues for self-expression on a regular basis in a safe place. One such program is effective because it connects women both to cultural expression, personal expression, and healing from trauma associated with victimization. The traditional healer who is also the advocate who helps facilitate these groups for women explains, "The activities that we do are creative. We use creativity to bring about that patience, part of the healing process, to bring about that sharing and communication, and bring that safety to the women."

The women meet at scheduled times each week, one group one day of the week at the central office of the program, and another group on a different day of the week at a satellite office in a nearby urban area. The facilitators and participants work on art projects at each

session. These projects include making dolls, dance shawls, quilts, and other culturally important items. A particular project may express the individual's life journey. The projects are the focal point and women may talk about anything they like while they create art. The advocate said that the women like to learn about Native culture and share it with their children. Participants call these groups "shawl group" or "shawl-making class." One participant indicated that the advocates and the women's group heightened her spirituality. She resumed traditional spiritual practices she had once stopped doing and said, "Before it was like I was just empty inside. It wasn't that I didn't care about anything. It was just that I felt so empty. Now I just feel like I'm just bubbly inside or something. You know it's a really good feeling... And then to know too, like if I'm feeling down or something... just to call over here [to the STOP program] and someone will help you. I'm glad they're here."

Other survivors of domestic violence who were interviewed by the evaluation team had this to say regarding these women's groups.

*"It's really peaceful and you can see it in everybody too... We sit around a table and do arts and crafts. The good things about that is we are busy doing something and then some people just start talking. But you take turns. It works out good."*

The following comment regards a group of Native women from a local substance abuse program, many of whom also experienced domestic violence. They also attend the STOP women's group. *"Those girls are so happy. They are so happy when they are coming. They get a lot of stuff out and this is what I see. They start talking about stuff and you can tell they are hurting and like when they are talking, people don't just sit and stare at them. That's why they give us stuff to do. They can do their talking and we are doing our thing, and they get it out, and they cry. But by the time they leave, they're o.k."*

One of the survivors who was introduced to the women's groups after being at a particular substance abuse program commented, *"It's a really good support group because we get to talk about different things, anything and I think that's just what we need. I know that's what I need."*

Another survivor said that women who attend the group, *“actually look better after being with the group.”*

### Case Study: Protocols for Advocates – Best Practices

This case study illustrates ways that programs have made the role of the advocate concrete and explicit through the development of protocols. The purpose of the protocol of one STOP grant program is to “provide consistent, appropriate responses for domestic violence victims; and an effective program to prevent domestic violence within the [tribal] community while ensuring the safety of the victim.” Furthermore, the protocol of this particular program states, “We believe that the victims of domestic violence have the right to:

- \*Be safe,
- \*Be believed,
- \*Receive non-judgmental support,
- \*Expect privacy and confidentiality,
- \*Accept or reject any agency services offered, and
- \*Receive accurate and current information.”

The protocol clearly defines the rules for confidentiality, ethical principles, as well as advocate and survivor’s obligations and prerogatives, always maintaining the survivor’s needs as the first priority. The survivor’s obligations and prerogatives included in the protocol are autonomy, protection, privacy, being treated with dignity, and preparedness, as well as the right to be informed and the obligation to report child abuse. Rules for confidentiality include keeping files locked and limiting access to legitimate personnel. If she desires, the survivor may sign a release of her information within the domestic violence coordinated response system. Any statistics generated by the program can only be released in aggregate form and in such a way as to maintain confidentiality.

The protocol developed by this program implies that advocacy includes that the personal relationship with a battered woman is to be that of a partnership, in which both the advocate and survivor work together to reach an acceptable conclusion to the woman and to provide her with maximum protection in the following ways:

- Acting as a consultant in decision-making. Survivors must make their own decisions, aided by an advocate who can walk them through processes, and who helps prioritize decision-making, listing available options, discussing how realistic these options are and some of their ramifications;
- Clearing the path. The advocate should have a clear overall picture of what the battered woman faces. The advocate's role is to advise, and, if need be, to educate service providers and agencies of all the obstacles that a woman may face. These can include childcare, affordable housing that is safe for her and her children, reliable transportation, and reconnecting with family and friends. The advocate's role is to use her influence, knowledge and persuasive powers to help women overcome the obstacles inherent in regulations, and longstanding practices or attitudes of people who control resources that prevent women from following a course of action; and
- Changing the system. The best tool an advocate can have to make changes in the system is documentation of instances when domestic assault cases are mishandled, trivialized, or neglected. Laws or procedures that are circumvented can be challenged. It is the advocate's responsibility to know the system and to determine when the only recourse is to change policies or practices.

The primary duties of the domestic violence advocate in this particular program as outlined in the protocol are to:

- **ARRANGE FOR PERPETUAL SAFETY OF THE SURVIVOR..** These include education, listening to the survivor's perspective, helping a survivor through the justice system, and helping at a moment's notice in all matters related to the aftermath of violence. It also includes keeping records, arranging safety plans, and assisting to obtain a protection order.
- **PRIVILEGE THE SURVIVOR'S PERSPECTIVE.** Advocates should act on behalf of the expressed wishes and interests of the woman. Advocacy services are to be defined by the victim's needs, not those of the project or multi-justice systems.

- **EDUCATE SURVIVORS AND SERVICE PROVIDERS.** They do not provide counseling, but provide crisis intervention, knowledge, and resource information. Advocates also educate colleagues in the social sciences and court systems about the most effective responses to domestic violence. They must not become entwined in political enmities. One advocate said, "It is the role of the advocate to smooth out the politics for the benefit of the women. Agencies that do not cooperate with each other cannot cooperate in the protection of a woman.
- **BE AN EXPERT ON THE JUSTICE SYSTEM.** In this program the advocate 1.) determines whether or not domestic abuse did occur as defined by law; 2.) determines the nature of the risk and danger to all parties involved; and 3.) works with women in requesting of the court appropriate combinations of sanctions and rehabilitation to provide safety for her and to hold the abuser accountable.
- **BE AVAILABLE TWENTY-FOUR HOURS A DAY.** At the time of the site visit evaluation, an interviewed survivor commented that she could contact the STOP advocate either on her cell phone, STOP office number, or pager.
- **FULFILL CERTAIN STANDARIZED PAPERWORK AND ADMINISTRATIVE STANDARDS.**

Another tribal community began deliberations on a protocol for the women's domestic violence advocate during the evaluation research. This protocol contains less philosophical content than the one previously discussed here, and focuses instead on the practical day-to-day and case-by-case responsibilities. It includes clauses mandating twenty-four hour advocate accessibility, mandatory photographic guidelines, a list of resources for survivors, guidelines for a safety plan, a mandate to gather statistics, regulations on home visits by the advocate, procedures on legal advocacy, the responsibilities of facilitating a weekly support group, and other tasks. This protocol also outlines the appropriate relationship with police and the sequence of contacts to be made by the police and advocate with the survivor of domestic violence. The advocate, as indicated in this protocol, is also to maintain contact

and assist the survivor throughout any court proceedings. This protocol also sets a series of very practical guidelines including the advocate may only visit a survivor's home when a police person is present and may not house a survivor at her home. However, this protocol, like many others, emphasizes that the advocate must uphold confidentiality, listen openly, and provide a variety of options to the survivor so that she can make the choices that are best for her.

## F. SURVIVOR SERVICES: EMERGENCY HOUSING, PERMANENT HOUSING, AND HOUSING-RELATED ADVOCACY.

*"So there I was again without anywhere to be"* (A survivor of domestic violence).

Programs utilize many emergency housing options when survivors of domestic violence and sexual assault need to flee their homes. These include hotels, safe houses, and shelters. Some of the survivor's who were interviewed described their shelter stay in detail. Shelters may be of three types:

- 1.) tribally-affiliated non-profit shelters (23 reported among the grant recipients)
- 2.) tribal collaborative shelters (27 reported among the grant recipients) and
- 3.) mainstream shelters (33 reported in use by the grant recipients).

In addition, there were 14 safe house networks reported in use by the grant recipients. Tribally affiliated shelters most often house Native women on community premises and are chartered by Native community members. Tribally collaborative shelters may be in mainstream areas, or located on the reservation, but are chartered by a non-profit or other agency which cultivates an effective working relationship with the tribe. One such collaborative shelter illustrates the way that the STOP grant assisted by making violence prevention training possible for shelter personnel, funding a needed counseling position at the clinic, and creating a domestic violence task force needed by the STOP program director. Mainstream shelters are situated in off-reservation rural or urban areas, and are usually

county or city affiliated. Safe houses which are defined as housing options volunteered by a private household, may be mainstream affiliated or located in Native homes. Similarly, hotels and motels may be on-reservation or off-reservation.

### **Survivors' Evaluation of Emergency Housing**

Some of the survivors who were interviewed as a part of the evaluation told of negative experiences while staying at mainstream shelters. For example, before she found out about the STOP program, one survivor stayed at two different mainstream shelters. At the first shelter she did not feel safe because it was located near the perpetrator's workplace. She feared that she or her children would be seen or heard by the perpetrator or his friends. The stress of his nearby presence caused her physical illness and she feared for herself and her child. The staff made her cut her hair and lighten it as a precautionary measure since an opening at another shelter was expected to take two weeks. With the help of a friend, this woman and her child then went to a hotel until the other shelter space became available. At the second shelter, she told that it did not meet her needs since she did not have a helpful advocate, steady access to a telephone, space for her child to play, help from staff when calling other referred services, or even a reasonably quiet atmosphere. After a week and a half, the staff asked her to move. An advocate at the shelter referred her to a STOP program and found her a hotel room near the program. She went to a hotel and from there learned of the STOP program on a nearby reservation. The program extended her stay at this hotel a new apartment was available.

Another survivor told of problems with lice at another *mainstream shelter*. Also, the shelter followed a very strict in-state residency requirement, which put her in a difficult position. She managed to keep her family at the shelter by completing goals that were set each week, and by attending mandatory evening classes. Here she did receive help with food stamps, clothing, and in contacting local law enforcement for records. Nevertheless, this shelter experience overwhelmed this family, and they happily moved to a hotel. This survivor explained,

Over there I was getting stressed out. I have a lot of things going on. It was just when you are going to classes it seems like you don't have time to do your own things. My child needed his homework done, and we barely had time to shower. Its just like you're on the go. It kind of wears you out.

So it was just kind of stressful.

For another survivor a *mainstream safe house* felt unsupportive and alienating. She said, "It was really uncomfortable and I couldn't sleep. I mean the littlest thing bothered me. I just needed to get out of there." She then moved to a shelter for a month which similarly felt unsupportive. She said that she felt the director was racist against Native Americans, against her, or against her specific tribe. She said,

I got some real negative things from her and she's the reason I left when I did. I did not have a home yet. So there I was again without anywhere to be. There were some there too, by the same token, who were very helpful and got me quite a long ways down the road with paperwork and things through the county.

### Case Studies

*Tribally affiliated shelters and tribally collaborative shelters* directly aided or associated with STOP programs, ranked as more effective and helpful according to survivors' descriptions of their experiences. One survivor, a mother and high school student, found the shelter to be necessary during this period of her life since she did not have family to which she could turn. She felt safe there and said, "the cameras, the surveillance, and the fence and the people coming by and asking how I am; its like: what's here they keep confidential and they don't tell anybody unless you want that person to know. But other than that, if you don't want that person to know, these guys don't give the information out." She did not think that the rules at the shelter were too strict, and that doing chores and being in the shelter bonded women together. She elaborated, "[We] help each other out, get to know people, and this is a good place to talk about your own problems and get it out...get their [the other guests] advice and their experience." The advocates helped her get food stamps and transported her to local appointments. One acted as a mentor. The resident said, "She [shelter advocate] really helps me out. She talks to me about things and just things that I need to know that I never knew before. She tells me how to do things right."

A successful innovation of this shelter is the presence of shelter grandmothers, elders in the community, who come and visit regularly. Another guest at the same shelter offered many compliments about the shelter arrangements. She said that the shelter workers treat her "just as an equal, as anybody else. If you need counseling, then they're there for you. I feel pretty comfortable. I get along with everybody here. Nobody makes me feel out of place or

uncomfortable and it is better than being where I used to be." She had been recommended to this shelter by her cousin.

Another non-Native survivor appreciated the help she received from a *tribally-affiliated shelter*. She said that the shelter advocates and staff were "the first ones that ever gave me rights." To set a context for her experience, she explained that as a non-Native woman she felt she did not have equal rights to property or employment on the reservation. Furthermore, she felt frustration because the tribal judge did not seriously respond to the years of abuse she had suffered when she charged the perpetrator in court. She further elaborated, "These people have been here for me. I think they've done their greatest. They've helped us a lot." She rated the shelter and shelter advocates help higher than any other service including law enforcement and the courts.

Another survivor told of utilizing a *general non-domestic violence specific shelter* that was located on another reservation that was two hundred miles from her home. She told the evaluation team, "I knew I was safe because nobody had known where I went. They did take good care of me and my kids." Later in her home community, arrangements for a stay in a safe home were made with the help of the counseling center. Another survivor stayed in a *tribally-affiliated non-profit shelter*, where advocates helped her in many ways with legal and personal issues. She said she felt safe in the shelter. During the time she was in the shelter, she missed her family and did not have transportation back to her home to visit. When she left the shelter, she continued to have contact with the advocates who helped her with legal advice in order to press charges against the perpetrator. She later returned to the shelter to stay when the perpetrator continued to stalk her.

*An example of a tribally collaborative shelter* exists in a Native community located in the middle of a small city. One survivor stayed five months at this particular shelter. The fee for staying at the shelter is \$3.00 a day. When a guest cannot pay, she can do extra chores. She did not feel this was a hardship and her dog could even visit. As she explained, there were mandatory daily meetings with advocates to "say how your day was going and if you had any problems or anything." The advocates were helpful with improving her job skills, listening

to her, providing transportation to appointments, and in applying to college. She continues to talk with the advocates, even though she lives in her own home now.

Another survivor had faced twenty years of abuse before she heard about the shelter. She escaped her home when her husband traveled. She stayed at the shelter with one of her children for six months. She agreed that the shelter was a friendly place for children because of an associated children's service program located within the shelter. At first, she worried about confidentiality issues with other residents. She then started counseling with the program staff who reassured her that the abuse was not her fault and lent her support in other ways.

Another survivor stayed in two shelters before going to the *tribal collaborative nonprofit shelter* in her area. She left the first shelter to prevent conflicts with another guest, and left the second because she and her children felt uncomfortable because it was set up like a large open dormitory. At that shelter, she found the STOP collaborative shelter listed in a directory. She said, "So I called here. It was a relief to hear a friendly voice on the other end because I had no idea of what I was going to do, no money, nothing. It would have only been a week, but still we just needed to rest. We were exhausted." She said that her first impression of the shelter was good, "especially when you get a warm greeting some place; its like, after being mistreated all that time, it feels good." When she left the shelter, she was able to move into a house, but continued to go to a women's group meeting at the shelter for two months. She recalled, "I am grateful that they were there when I needed some place to go really bad. They were there for support when I needed it, and then it was kind of like once I got on my feet I really didn't need too much help after that."

At another *tribally collaborative shelter*, the survivor's dreaded expectations did not pan out. She explained, "At first when I went to the shelter, I was scared, terrified, ashamed, but being there, within the first week I felt comfortable enough to know that no one is going to touch me here." She also commented that the rules were rigid, but that was what kept the perpetrators out. She felt that the rules contributed to an atmosphere of safety. She did point out, however, that the shelter's buildings needed repairs.

### An Urban Indian Shelter

A new urban shelter, opened in 1999, located in the service area of one STOP program. It meets the needs of on-reservation and off-reservation Indian women. This is also the city of choice for on-reservation women to relocate to in order to start a new life. One of the STOP advocates serves on this shelter's board of directors. The location of the shelter is kept confidential, though it is near other Indian-oriented social services in the city. The thirty day shelter limit may be extended if needed. At another STOP collaborative shelter, one advocate insisted that thirty days is not a realistic length of time for provision of in-shelter services. She explained,

No one is going out of here in thirty days, unless they go back in order to get a job and get an apartment. [But] the housing is bleak. It is very expensive. I think the thirty day policy is encouraging women to actually go back sooner, not that we have ever made anyone leave at thirty days. Some have stayed two to three months, as long as they are not just hanging out. But sometimes that is all they can do, is hang,

### Issues in the Planning Process for a Shelter

*"There's a lack of resources for women. The available shelters are full so she ends up going home"* (A Law Enforcement Officer).

During the evaluation, some shelters identified the goal of building a shelter for their community, but also recognized that establishing a shelter takes planning, funding and support. One of the STOP program communities had drawn extensive plans for a women's shelter, but funding constraints halted the project. The STOP director plans an alternative which is to access area shelters located on neighboring reservations through creating formal compacts. Other obstacles include lack of community support. In one community there is discussion as to whether women's needs might be better met if they went into safe houses and hotels. One service administrator commented, "Council does not like to see their members go into shelter situations. If they can put them up in a hotel and then get their staff to stabilize the family, they prefer that." When there is lack of support overall in a community, the STOP programs see that there is further fear and blame placed on the survivor whose safety may be endangered without any intervention.

## Shelter Profiles

Of the fourteen site visited tribes, four of the tribes have tribally affiliated shelters and eight of the tribes have tribally collaborated shelters, while two utilize mainstream shelters. One of the tribally collaborative shelters is also associated with the Indian Health Service. The shelters found at the site visited programs range from having room for fifteen to thirty-six people. There is a suggested stay limit of thirty days at most of the shelters.

### Tribally-affiliated Shelters

The shelter in one community is a two-story building. The community and a local Wal-Mart donate supplies to the shelter. The shelter includes a wellness room with workout equipment and also a children's counseling room. Women and children may stay up to ninety days and then may move to transitional housing. Survivors also receive job training and services are provided to both tribal and non-tribal women who live in the area.

In another community, prior to the opening of their shelter in the early 1990s, the community utilized safe homes, motels and churches. The STOP program also has a satellite which is a one night emergency safe home one hundred thirty miles away. The shelter attributes the majority of its referrals to the police officers who often provide transportation to the shelter. When a woman first arrives at the shelter, an advocate sits down with her and talks about the types of services that she may need. An advocate says, "We show them around and make sure that they feel at home. Making them feel very, very comfortable, but while listening, we will pinpoint the areas where she may need some help. Sometimes they do not know the resources that are out there. We can provide her with more options." A complaint or emergency protection order can be carried out directly from the shelter. This shelter also refers women to outside counselors for Alcohol Anonymous, has children's groups, and assists women who want to complete a Graduation Equivalency Degree (GED).

In many areas, both on and off reservations, there is a dramatic lack of resources to meet the needs for shelters, safe houses and other means of temporary shelter for women who are the victims of domestic violence. One director of a STOP program commented, "There's such a lack of resources. The available shelters are so full so she [the survivor] ends up going

home.” This is one more clear indication of the need for ongoing funding at a level that assures fully functioning shelters as needed.

The shelter in one community helps in supporting a safe home network in tribal communities located far from the shelter. These safe homes serve as places to stay overnight for short periods of time. The rural coordinator at the shelter trains safe home volunteers so there is one in each community. The shelter provides referral information and resource information to safe home providers. All of those participating in this safe home network rely on volunteers who are trained in domestic violence dynamics. In one other STOP program community, the survivors preferred to use motels or off-reservation homeless shelters rather than safe homes because this alternative kept one's identity more private. In another STOP program that was evaluated, from 1996-97, the records show only one woman receiving shelter because “even when shelter or a safe house is offered to a victim, Indian women usually would rather go to a relative's house. And quite often, even when an Indian woman does agree to a shelter, she will either change her mind, or she will only stay one night.” At another shelter in which women come in from remote areas, as well as locally, in 1998, the average length of stay was six days.

Some shelters serve families through what one STOP director called the “extended family plan.” She explained, “Aunties, grandmothers, elders living in households with domestic violence have also been housed at the shelter in times of crisis.” No women are denied service. This shelter has had guests ranging in age from two months to eighty-one years old. Male victims or male adolescents over sixteen years old are not allowed at this particular shelter, but special safe home arrangements are made to serve men.

The shelters associated with many of the programs where site visits were carried out, possess sophisticated alarm and safety systems and visiting rules. For example, one shelter is equipped with an exterior alarm system, protecting windows and doors. Emergency alarm buttons independent of the exterior system are placed in every bedroom and throughout the entire building. The property is fenced around the perimeter. Access to the shelter is restricted to residents, staff, and appropriate volunteers. The doors remain locked at all times.

Shelters may also offer a centralized place that meets a wide variety of practical needs. These include clothing rooms which guests help sort, a thrift shop, vouchers for necessities, food banks, baby supplies, centers for legal help, centers for help with getting and keeping a job, and sometimes help with day care. One shelter even provides answering machines that can be borrowed to record evidence of harassment and protection order violations.

Many of the shelters have non-resident aftercare programs which help with reintegration back into the community. Former residents and non-residents may continue attending counseling, women's groups, use the crisis lines for help or to receive help with groceries, clothing, and baby supplies. With such an extended program, the shelter is able to help more women more times. For example, at one shelter 546 residents were helped from 1997-1999, while 1,701 non-resident women were helped during the same time period.

Policies that regulate advocate's and shelter advocate's procedures do not remain static. In the evaluation data there are examples of policies remaining flexible so that women may be moved or choose to move to more appropriate or safer situations. Rules have also become more flexible at some shelters that now allow a woman to stay more than one time if the need arises. One advocate commented regarding the need for flexible rules,

When I first started, there were three rules; three strikes and you're out; three warnings because you broke a rule...I couldn't believe it, so I rewrote the rules when I became the coordinator to say, this is why we need cooperative living...If you're having trouble with any of these...we can sit and talk about it...and some of them 'sit and talk'...so we work on that all the time.

### **Permanent Housing**

Permanent housing options are sometimes available to survivors through tribal housing programs, a victim services program, or through shelters. With permanent housing comes stability. One survivor who was interviewed said,

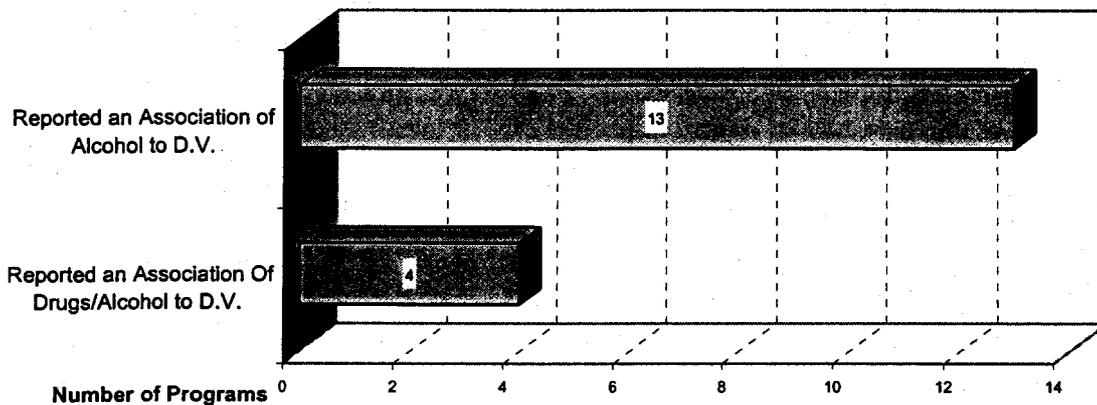
Now we live here in our home. The kids have gone to school. We love it here. We have friends and our life has been a lot more peaceful. It has been a lot better than last year. I look back at last year. Last year we were homeless. Our car was breaking down. This year we have a home. Everything is more stable.

For another survivor, the advocate was very supportive and effective in assisting them to find a home. "She really advocated for us. [Saying] 'We know this family doesn't have these things in place right now but they are really hard workers. I'll vouch for them as a personal reference. It was a hard home to get into because they were doing criminal background checks and credit checks.'" The property manager accepted this family's application, due in large part to the work of the advocate. In this example the STOP program advocate directly helped a particular family. This type of help includes actually helping with the house search and giving advice about safe areas to live. Other programs provide monetary support for rent and utilities. Some programs are able to refer survivors to other programs that help financially or in other ways. Other programs contain transitional living programs which solely direct attention to permanent housing and healthy lifestyles

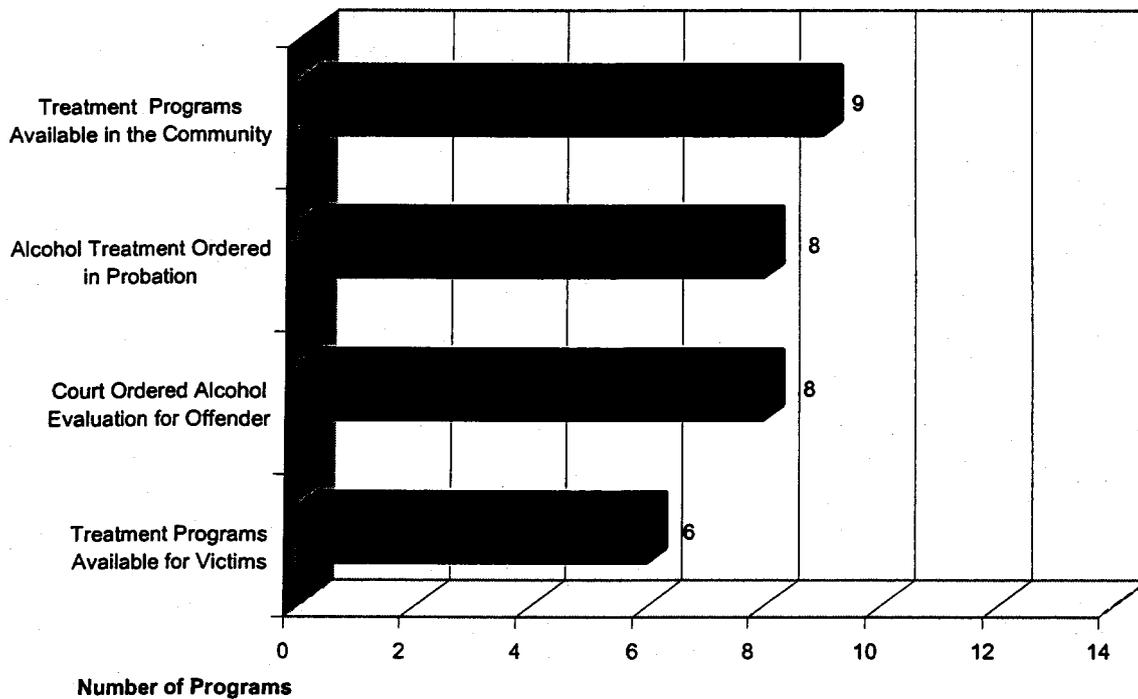
### **G. ALCOHOL, OTHER DRUGS, AND DOMESTIC VIOLENCE**

*"I cannot remember getting a domestic violence case that did not involve alcohol, drugs, or both by at least one of the parties"* (A Tribal Prosecutor).

During the site visits, information was requested regarding the role of alcohol and other drug use and abuse as they relate to domestic violence, sexual assault, and stalking. Alcohol was perceived as highly influential on violent domestic behavior by thirteen of the fourteen site visited communities. (See Figure III.22a: *Association of Alcohol and Drugs and Domestic Violence*). These thirteen communities represent a service population of 383,219 people who are spread out over nearly 83,000 square miles of service area. As six of these grant recipients reported, alcohol was involved in between 60-90% of all domestic violence cases reported during 1999. One of the communities noted that 60% of all clients treated in their alcohol abuse programs have been involved in domestic violence. Another program reports that 100% of their probation officer's domestic violence caseload is involved with alcohol and that 98% of all people admitted to their alcohol rehabilitation programs have been involved in domestic violence.



**Figure III.22a: Association of Alcohol and Drugs and Domestic Violence. N=14**



**Figure III.22b: Responses To Alcohol and Drugs and Domestic Violence. N=14**

Nine of the fourteen site visited communities have developed alcohol or substance abuse programs. (See Figure III.22b: Responses to Alcohol and Drugs and Domestic Violence). Eight of the site visited STOP programs support court ordered alcohol evaluation for domestic violence perpetrators prior to trial. Results of the alcohol evaluations are included in court cases at trial, and participation in an alcohol treatment program may be ordered by the court as part of domestic violence sentencing. One community that has utilized STOP funds to help establish stronger domestic violence protocols for law enforcement agencies, tribal courts, and tribal prosecutors, included measures targeted at alcohol abuse and domestic violence. Protocols include on-scene investigation criteria that incorporate drug and alcohol assessments relative to the incident.

Alcohol restrictions and compliance are also included in orders of protection, and any violation of conditions imposed relative to the use of alcohol constitutes a violation of probation. Another community that has no mandatory holding or cooling off period for perpetrators may arrest domestic violence perpetrators on alcohol-related charges. Since 80% of all domestic violence incidents in this community are related to alcohol, this provision provides the "cooling off" framework for tribal police. Eight of the fourteen site visited communities also support participation in alcohol treatment programs as a part of court ordered probation in domestic violence cases. Sentences may be re-imposed if offenders do not attend court ordered alcohol counseling. Probation may be rescinded or extended, or the violation may result in jail time.

STOP grant funds have helped communities deal with the associated problems of alcohol and domestic violence in various ways. One community developed a written survey that asked community members to identify the contributing factors to domestic violence in their communities. The survey noted that community members identified alcohol abuse as the number one problem, and domestic violence as the number two problem. Respondents also said that they felt that the use of alcohol exacerbated domestic violence.

During the site visits, it was also noted that some communities find that Indian women are at particular risk of sexual assault and domestic violence when they are in settings in which

alcohol is in use outside their dry community. One effect of this is that Indian women may be viewed as targets by non-Native sexual predators who conclude that no one will believe the Native women, even if they identify their attackers. Alcohol, when combined with domestic violence and the use of weapons is also a special concern of law enforcement officers.

One STOP funded program developed a series of women's conferences throughout the state that included issues of violence and alcohol. This community continues to work on implementing suggestions that were made at the conference, and has included alcohol abuse and its effect on domestic violence in a pilot domestic violence program for other outlying communities. As one survivor of domestic violence noted of her brother and the effects of alcohol on domestic violence, "He's a nice guy when he's sober. Just when he is intoxicated, he's a monster."

Alcohol and drugs also affect the survivors of domestic violence. Some survivors develop substance abuse problems in response to domestic violence. One woman who was interviewed disclosed that she developed chemical dependencies as a way to cope with domestic violence and her abuser, her husband, who also drank. Another survivor observed that she began to use alcohol as a way to counter the effects of domestic violence, and that these behaviors had remained with her through a series of relationships. She said, "I remember the first relationship I was in, we went drinking. Then he started beating me up. I drank right along with him, thinking that 'when I get beat up, at least I won't feel it.' But then, the next day, with the hangover and being all beat up, it was twice as worse." Some survivors, who have become substance abusers, require special responses to their needs for treatment. One STOP grant shelter does not admit intoxicated victims, but always refers inebriated survivors to the proper hospitals or alcohol programs. Another STOP grant shelter does not "officially" admit intoxicated victims to residency, but advocates are encouraged to examine each case on its own merits. When this shelter is empty, it is recommended that advocates find inebriated survivors an empty room, allowing them "to sleep it off and deal with it the next day." Both shelters discharge residents who continue to drink, but neither shelter discharges residents until other, more appropriate programs or accommodations have been located.

In the recent past, alcohol abuse, domestic violence, and sexual abuse were considered societal products of "men just being men" in some communities. Communities, neighbors, and family members often did not want to become "involved." Today, with the use of programs developed with the STOP funds, these attitudes are changing to the realization that alcohol and substance abuse are closely related to domestic violence and sexual assault, and that these have a profound influence on entire communities. A majority of the fourteen communities where site visits were carried out have developed alcohol and other drug abuse programs that treat offenders, and survivors of domestic violence. These newly emerging attitudes are reflected in law enforcement agencies and legal systems, as well as in codes, ordinances and penal systems.

## **H. PROGRAM COORDINATION AND DATA COLLECTION**

One of the greatest challenges that domestic violence programs face is the ability to effectively coordinate the various services that respond to violent crimes against women. This is particularly difficult for tribal programs that face the added complication of having to work with tribal and non-tribal services. Coordinating services across jurisdictions is difficult to do and requires a great deal of effort. The domestic violence director at one of the programs stated that systems coordination was one of the major problems faced by members of the domestic violence development team,

I think the original vision...we would have a one-stop shop where you would have a facility; where you would have all of the different services that related to the rest of the accounts.....so that people don't have to go here and don't have to go all the way across town to get this other type of service...that we would do it in one area. Now that has not materialized...it is hard to get everyone together and just do that.

Also, other programs are facing non-cooperation on behalf of the police and the court, in which the police do not want to refer people to domestic violence services.

Various strategies have been employed to help bring different agencies together to communicate with one another, and share insights into how to best respond. Others develop referral networks. Some programs use advocates as liaisons between agencies, or

develop formal inter-agency protocols, or work closely with pre-established coalitions. Other programs employ different strategies such as the following two examples illustrate.

#### **Case Study: The Navajo Nation-Providing Services Over Large Areas**

The Navajo Nation's domestic violence program faces the challenge of being spread out across a large geographical area where service providers may not necessarily be in close contact with one another. As a result, the program adopted By Laws and Memoranda of Understanding between the various agencies and established a council in which each of these agencies has a representative seat. The following agencies are represented on the council.

1. Navajo Social Services
2. Navajo Nation Prosecutor's Office
3. Navajo Nation Public Safety
4. Navajo Nation Criminal Investigation
5. Navajo Nation Office of Child Support and Enforcement, Chinle
6. Navajo Nation Employee Assistance Program
7. Adabi, a shelter and safe home in Chinle
8. Tuba City Family Harmony, a shelter in Tuba City
9. Shiprock Home for Women and Children
10. Family Crisis Program, Crownpoint
11. Private consultant.

The council meets once a month and is open to the general public. No compensation is given to those who sit on the council. Each of the meetings includes time to both share information about each agency's activities, and to maintain good ongoing communication, as well as address current concerns or issues.

#### **Case Study: The Creek Nation - Various Methods to Increase Inter-Agency Communication**

The Creek Nation's domestic violence program has made vigorous efforts to coordinate between agencies. They have put extensive emphasis on agency training. However, as one program representative stated, "I think that you can educate people 'til you are blue in the face, but there has to be some community accountability, interagency accountability, and

unless that takes place, just like we do with the batterers, there has to be accountability with different agencies.”

In February 1999, a formal Memorandum of Understanding (MOU) was signed by representatives of this tribal community's Children and Family Services Administration, law enforcement, the Attorney General's office of the nation, and the County Family Resource Center. The MOU principally established each agencies' responsibility to the other, as well as provided an individual who will attend task force meetings regularly and report back to their respective agencies as to what was discussed and decided. Prior to the creation of the MOU, agencies collaborated informally and somewhat inconsistently via the telephone and in personal contacts. The establishment of a computer network to help track arrests, violations of court orders, and to collect statistics and data was another goal of the STOP grant. One computer has been purchased with grant funds. The network is seen as a potential aid to cooperation between the various departments. Also, reports from shelter advocates and counselors will be another source of information. The information gathered will support data collection efforts by all of the agencies involved in domestic violence work. According to the progress reports that have been submitted by the tribe, the needs of each department have been assessed, and relevant software will be purchased with STOP grant funds.

### **Domestic Violence Task Forces**

The most common response to developing inter-agency coordination is to establish a domestic violence task force that holds regular meetings on a quarterly, monthly, or weekly basis. Some task forces are confined to tribal agencies, while others are more comprehensive and include state and county services as well. Also, some response teams or task forces are large if their intention is to include as many agencies as possible for the sake of better overall coordination. On the other hand, some task forces have a limited number of members because of a concern regarding confidentiality issues. After evaluating all 123 STOP funded programs, the following list was compiled to demonstrate the different types of agencies that have representatives that sit on task forces:

- \*Tribal Domestic Violence Programs
- \*County or State Domestic Violence Agencies

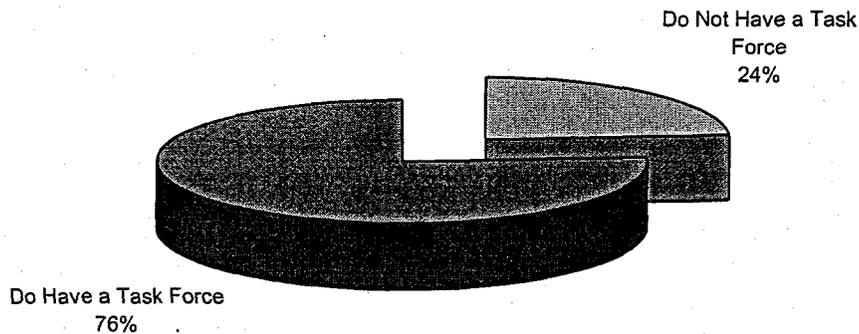
- \*Tribal, County, State, or BIA Law Enforcement
- \*Dispatch Services
- \*Fire Stations
- \*Federal Bureau of Investigation
- \*Health and Human Services
- \*Mental Health Services
- \*County or Indian Health Services Hospitals
- \*Social Services programs
- \*HUD
- \*Drug and alcohol programs
- \*Tribal or Non-tribal Courts (Judges or Court Clerks)
- \*Tribal or Non-tribal Prosecution
- \*Indian Child Welfare Programs
- \*Head Start Programs
- \*Youth Services
- \*Senior Services
- \*Shelters
- \*Probation Departments
- \*Men's Groups
- \*Tribal Councils
- \*County or State Legislators
- \*Grant Writer's Offices
- \*School Districts
- \*Community members (particularly elders)
- \*Traditional Healers

Each task force that was described as a part of the evaluation is unique in terms of their missions and activities. The following is a list of activities that different task forces carry out:

- \*Fund raising
- \*Community Education
- \*Assess training needs
- \*Conduct agency training

- \*Develop domestic violence codes and protocols
- \*Information sharing
- \*Review and revise agency policies related to domestic violence
- \*Discuss referral systems
- \*Work with states and counties in addressing jurisdictional issues
- \*Track specific victims and children to ensure the best response

As *Figure III.23 (Programs with Task Forces)* demonstrates, not all communities that have STOP programs have domestic violence task forces. However, 76% of the 123 STOP programs do have a task force, many of which were established with STOP funds. Some are in the early stages of responding to violent crimes against women, and have not yet developed a formal system of coordination. Others have had task forces which have been disbanded because of ineffective meeting coordination, or because of personality conflicts within the group. Two programs stated that they did not support the strategy of having a task force because of the tendency of people to blame one another for poor service.



**Figure III.23: Programs with Task Forces. N=123**

### Case Study – Women Form a Grassroots Task Force

In one community (who wished to remain anonymous), the domestic violence program itself was originally envisioned by a group of five women, who were concerned about the state of affairs in their tribal community. Domestic violence had been a visible problem since the 1950s. The women formed a Women's Coalition that met on a scheduled basis and helped to get vital domestic violence tribal legislation passed. Also, they are currently establishing a system of safe houses since there is not a community shelter. Volunteers agree to house a domestic violence victim for from one to three days. The Women's Coalition eventually resulted in the creation in 1997 of a Task Team. The purpose of the task team is to: "effectuate coordination between agencies, departments, courts, educational institutions, businesses, and villages for the assistance of victims of domestic violence; to promote effective prevention, intervention and treatment techniques which will be developed based on research and data collection; and to improve responses to domestic violence and abuse, so as to reduce incidents thereof."

The Task Team consists of representatives from law enforcement, prosecution, courts, Indian Health Service, women's coalition, social services, probation officers, schools, private business, and tribal programs such as the Health Program and the Personnel Office. See *Attachment E*. for a model of a coordinated community response created by one of the STOP grantees. See *Attachment F*. for a STOP grantee's description of their approach in creating a coordinated community response. All of the Task Team members have signed a Memorandum of Understanding that stipulates mandatory arrest and gives guidelines for dealing with dual arrest issues. The objectives of the Task Team are the following:

- Examine the ways in which agencies, departments, and the courts respond to domestic violence, in order to improve the response
- Improve the cooperation and coordination among all the participants in the justice system
- Make recommendations to the tribal government and agencies regarding the improvement of the response
- Examine and review legislation that relates to domestic violence
- Encourage and promote public education regarding domestic violence

- Form task forces of committees to assist in planning policy goals and priority recommendations
- Respond to related matters referred to the Task Team by the tribal council.

This task force has been successful in a number of areas, including having accomplished the following:

- \* The task team members jointly entered into a memorandum of understanding.
- \* They finalized protocols for medical response.
- \* They are working to amend the domestic violence ordinances to include stalking and sexual assault, and to codify beyond MOUs the mandatory arrest and dual arrest issues.

The Domestic Violence Task Force in *another tribal community* conducted a needs assessment regarding domestic violence issues in their community. This resulted in commentary in the areas of general issues and concerns, the results of lack of education regarding the dynamics of domestic violence, educational suggestions, the need for more funding, suggestions for governmental changes, and a series of barriers and challenges facing the prevention of violence against women. The list of barriers and challenges are significant because they are similar to ones that were mentioned as well by program staff and community members in other tribes. Among the concerns mentioned in this needs assessment, conducted by the task force were: negative attitudes, the long time it takes to work the system, turfism, lack of time, money, education, energy and manpower, burnout, reluctance to use cultural resources, and hopelessness.

For an example of a typical task force Memorandum of Agreement, see *Attachment G. Navajo Memorandum of Agreement*.

### **Sexual Assault Units**

In addition to having a multi-agency task force that addresses violence against Indian women, some programs also have specialized units that specifically focus on sexual assault. The following two case studies describe the development and implementation of two response teams with the assistance of the STOP funded programs.

**Case Study: Bristol Bay – Establishing a Regional Sexual Assault Response Team (SART)**

The tribal community of Bristol Bay established a Sexual Assault Response Team (SART) with support from the STOP program. SART has responded to each sexual assault reported to the police since the program began in 1998. The SART team includes a prosecutor, a police department representative, a health services SART nurse, and a shelter representative. The group which meets once a month in order to discuss pending sexual abuse cases, how these cases and the victims are handled, and whether there should be any changes to improve the process. Statistics are kept at the local hospital in order to identify instances of domestic violence and sexual assault if there are broken bones or other suspicious physical problems that may be related to domestic violence. Also records note if there is involvement of alcohol abuse. The SART reporting goes through the prosecuting attorney, and minutes of the SART meetings are also sent to the representatives of the various task forces and working groups who attend the meetings. They are also sent to the police department. Distribution throughout the member institutions, however, is an unknown factor and reporting to one central information sharing point within these institutions is sometimes non-existent.

**Case Study: Another Example of SART**

Another community has created a SART team composed of a coordinator, a shelter representative, representatives of the police department, teams from the community hospital and the Indian Health Service facility. This SART effort grew out of the local tribal communities' felt need to establish such a team. It was modeled after SART teams that had been previously established in other non-Native communities. At the time of the evaluation site visit in the summer of 1999, the program coordinator was developing policies and procedures that were then to be approved by the SART team, as well as accepted and integrated into the Community Hospital procedures and all other entities using SART. Prior to the formal establishment of the SART team, there had been a more informal process of cooperation in sharing forensic equipment, in inter-agency training sessions, the use of a Memorandum of Understanding between agencies, sharing of training materials, and

discussions of mission statements. With the creation of the SART team, many of these activities were formalized and expanded.

### **Data Collection and Sharing**

An important component of inter-agency collaboration entails collecting data and sharing it with the other responding agencies. 50% of the respondents in the evaluation mailout survey indicated that upon receiving the grant, they were implementing a new communication system. Through the course of the evaluation, it became apparent that information on the numbers of Indian women victims is limited. The dearth of statistics can be linked to a prior lack of criminal tribal legislative codes, inadequate tracking of statistics on domestic violence, even less tracking on sexual assault against Indian women, and almost non-existent tracking of stalking. Tribal grantees have enhanced offender accountability to the tribal criminal justice system through several tracking and information collection activities. The following are a few examples of how programs have shared information about incidents of domestic violence, sexual abuse, and stalking:

- The development of a formal "tracking form"
- Weekly or monthly inter-agency staff meetings
- Informal inquiries over the phone or by fax
- Dispatcher protocols that require the domestic violence program to be contacted when a call comes in
- The establishment of an information liaison
- The formation of databases
- Purchase and installation of equipment such as computers and phone systems.

However, because of confidentiality issues, some agencies do not share information with one another without a formal release from the victim *See attachment H. Victim Release Form.*

Examples regarding how two different tribal communities collect and share information follow.

### **Case Study: Information Gathering-Rosebud**

Historically, information was collected by hand. Between 1993-94, a computer network was attempted but failed. In 1998-99 there was another attempt to create this network when the

program received a special NIJ grant earmarked to spend on developing a domestic violence computer data system. At the time of the evaluation, this computer system was up and running. Interestingly, it utilizes the same domestic violence tracking software also used by four other tribes. However, at Rosebud the system is not yet networked between agencies. At the time of the evaluation, they were planning to hire a data entry specialist who will be based in the court, and will enter both past and present domestic violence cases into the system. Since the technology component of their STOP grant is minimal, they have sought out alternative funding sources to pay for the new system and software. Currently, the court and the domestic violence law enforcement officer are using this new system. The police department will have a distinctive system, but one that will have the potential to network with the domestic violence system.

At Rosebud, the domestic violence-related programs also have an informal network for collaboration that is reflected in the many referrals to the program from other agencies including law enforcement, the Indian Health Service, and child protective services. However, because of confidentiality issues, the White Buffalo Calf Woman Society generally does not share information about clients with other agencies. They do so if the woman is seeking resources and she authorizes a release of information. In all the domestic violence cases, law enforcement is required to make a quarterly report of the investigations and arrests, and to make it available to other agencies and the public.

#### **Case Study: The Eight Northern Pueblos-An Information Gathering System**

Through the STOP program, an information gathering system has been established in which the individual Pueblos are expected to report their domestic violence cases to the program. Law enforcement officers are given specially designed forms to fill out. *See Attachment I - Information Gathering Form.* These are then picked up by a program representative to be compiled and evaluated. Some Pueblos are very consistent in this effort; others are not. In addition, there is a special form to be used by the prosecutor in order to monitor the status of each incident of violence once it has entered the court system. In this way, both civil and criminal cases can be tracked.

The domestic violence police reporting form indicates the history of violence, prior calls, the existence of a restraining order, and if a criminal complaint has been filed. The community specialist from the Peacekeepers program that is STOP funded then picks up the forms each week. A Memorandum of Agreement has been established with the police departments at different Pueblos in order to ensure that the form is consistently used. The prosecutor monitors each particular domestic violence case as it travels through the civil or criminal court system. The prosecutor can also use these records to keep the victim of domestic violence up to date and inform her of arrests, releases, arraignments and final disposition. The Peacekeepers have signed Memorandums of Agreement with most of the tribal courts, but it is up to the courts to then send the Peacekeepers the completed information.

## **I. AGENCY TRAINING AND COMMUNITY EDUCATION**

The largest contributor to poor inter-agency collaboration is a lack of training on how to best respond to violent crimes against women. Of the respondents from the mailout survey, 75% stated that their STOP programs developed and conducted training. Some Task Forces are taking it upon themselves to implement domestic violence and sexual assault training for law enforcement, court judges, prosecutors, health services, and advocates. In other cases it is individual agencies, such as the domestic violence program that organizes training sessions for other agencies. There are a variety of ways in which this training is done. For example:

- Agency personnel can be sent outside the community for federal, state or county training with a non-Native emphasis;
- National Native resource centers such as Sacred Circle, can come into a community to train different agencies;
- Individual agency representatives can receive training outside of the community and then come back to report to or train other agency personnel; or
- Training curriculum can be developed and implemented within the community itself.

There is considerable debate over which types of training are more effective. There was some indication during the evaluation, that many agencies such as law enforcement prefer to be trained by a colleague, rather than by someone from outside the community. The

trainings developed and implemented by the community tend to be more culturally specific than the other types. For example, the White Buffalo Calf Woman shelter at Rosebud conducts mandatory inter-agency domestic violence workshops to increase awareness and to promote more cooperation between the different agencies. This was deemed as successful by the program coordinator, with several hundred people in attendance. As a result of the training, the program gets more referrals from various tribal agencies. A majority of the programs, based on observations from the site visits, are focusing on law enforcement training with a particular emphasis on addressing dual arrest situations and victim notification.

The following case studies illustrate the types of training that law enforcement officers are receiving, and the effects of this training.

#### **Case Study: Prosecutors Training Law Enforcement**

In one tribal community, the training of law enforcement officers is carried out from the prosecutor's office. Their emphasis is on presenting the information from the victims' standpoint and bringing up a number of issues that they feel have never been addressed in the police academy. These trainings are very culturally specific and according to the participants and trainers are deemed to be very successful. They have been particularly useful because they help the officers to understand why women go back to their abusers, and also that there are other charges that can be placed on the perpetrator besides assault and battery. Prior to the training, the officer's attitudes were seen as negative and they expressed the sentiment that it was a waste of their time to develop a domestic violence case. It was reported that during the training, their attitudes became more positive. However, as time elapsed, they once again took on some of the previous negative attitudes. One of the program staff believe that with new and updated curriculum material, these trainings could be more effective over the long term so that the officers do not become bored in going over the same material repeatedly. It was also stated that repeated trainings are necessary since there are often new officers who need to be trained.

### Case Study: The Eastern Band of Cherokee-Officer Responses.

The STOP funded SAFE program provided training to the Cherokee police department officers twice over a four-month period. They asked the 115 trainees to fill out a post-training survey. Forty-nine turned in the survey. Some of the results were:

- The need for collaboration of community efforts and agencies was recognized.
- There was recognition of the need for more education given to professionals and the community in general.
- Officers found particularly useful: information on evidence, interview and investigation details to include in reports, and lethality assessment.
- Others were interested in the information on why officers may hold the views they do, and what their cohorts can do to change the prevailing attitudes.
- They were struck by the prevalence of domestic violence in our society, and the wide impact it has, especially on children.

Those who had taken the training were asked if they thought this information would help them in handling domestic violence calls, and the response was unanimously "absolutely." Suggestions the trainees had in order to make future presentations more useful included:

- Help them keep abreast of changing laws
- Give them more detail on evidence collection
- Have a judicial person train on better chances for conviction, especially ways in which their report writing can be helpful

### Case Study: Changing Attitudes

In another community it was recognized by the domestic violence program that tribal police officers required domestic violence training so that they can come to understand their own attitudes regarding the dynamics of domestic violence, and the need to change these attitudes. This is in addition to understanding the new domestic violence programs, codes, and ordinances. In describing some of these attitudes, one program staff person expressed these sentiments:

People have attitudes... [they] want to blame everything on the women... well, wait a minute..the police officers....'excuse me; I don't care if he beat the hell

out of her, and yeah, they were married or boyfriend or girlfriend or whatever. It is not her fault if he is back in the home again because 'Oh, I love you honey and I won't do it again, and I love you, please come home'....and then he beats the sh-t out of her again....and it's not her fault, it's his...he's the one who did the deed.

A few tribal police officers in this community tend to shrug off domestic violence issues. However, the Chief of tribal police notes that the majority of officers are not this way. He credits much of the acceptance of domestic violence realities and the willingness to change to the variety of training programs that are available to the department. Victim assistance training for tribal police has essentially covered the resource cards and domestic violence packets that officers are required to carry and to disseminate, and the forms that officers are required to complete. Officers also have a "cheat sheet," which is a list that reminds them of questions they are to ask during investigations and incidents. According to the Chief and Lieutenant of the Tribal Police, these sheets are working very well. The domestic violence officer provides informal training for other officers by regularly discussing victim sensitivity, mindsets relative to domestic violence, and other issues. The new tribal protocols indicate that all training relating to the handling of domestic violence complaints by the tribal police will stress:

- Availability of tribal and community resources
- Protection of the victim
- The need for cooperation among all providers
- Training provided by social services needs to be balanced with legal training for police officers
- Tribal officers are to receive sixteen hours of mandatory domestic violence training per year
- Tribal officers also receive four hours of victim sensitivity training each year. In the past, tribal police officers received no training relative to victim assistance
- A first step is overcoming denial

The Chief of Police of this tribal community believes in "a lot of training." If there is domestic violence training, no matter where it is offered in the area, tribal law enforcement officers will attend. There is particular attention paid to multi-jurisdictional training. State

training via satellite is provided at no cost to the tribe and tribal police officers participate in domestic violence training provided by the county.

#### **Case Study: Other Tribal Community Training Efforts**

- In one community, most training sessions are informal; resulting in long conversations in which an exchange of information exceeds allotted time. These are presented by the STOP grant coordinator.
- Topics that cut across many tribal community training sessions include: gender issues, personal issues, different ideologies, different styles of communication, use of humor to address cultural differences, homelands and the earth.
- Domestic violence training from the victim's point of view, as it is seen as part of the violation of the whole person and how this violation displaces a person from their world.

The second most common agency after the police to be the focus of domestic violence and sexual assault training among the programs that were site-visited is the tribal court personnel, including prosecutors.

#### **Case Study: Another Community Trains Judges**

In one community the superior court judge attended two training sessions which they felt were very effective. Later the judge along with law enforcement officers attended a training session on the effects of violence on children. From these sessions the judge integrated a number of the training materials on domestic violence into his database for future use. The magistrate also received domestic violence training at the annual magistrate conference held in a major city.

#### **Other Forms of Training**

Many domestic violence programs are receiving extensive community support in the form of volunteers who serve as shelter workers and victim advocates. It is common to find specialized training for volunteers. For example, at one community twenty village-based volunteers in twelve villages trained through STOP grant funds. During the first year of the

STOP grant, this program presented four sub-regional training sessions for volunteers. Once the training was completed, these volunteers were certified Crisis Intervention Advocates. These volunteers who have become recognized as advocates appreciate this recognition, as well as being a part of the organization. During the evaluation they reported that they felt the training was effective and prepared them to better perform their duties in the villages. Also through the program, volunteers are trained for forty hours, and then may offer their homes to victims as temporary safe houses.

Some programs interviewed during the site visits have encouraged their tribal council members to go through domestic violence training or in other ways to assure that domestic violence educational information is distributed or made available to council members. Other communities have created cultural competency training for local physicians or state police.

One of the most important ways for a program to rally community support is to educate the entire community about domestic violence and sexual assault issues in their community, and the services that are available through the program and other agencies that address victims' needs. Each of the evaluated programs has embarked on creative endeavors through which to educate the entire community. These move beyond merely passing out brochures and fliers. Some of these are the following:

#### **Case Studies – A Variety of Approaches**

*At Bristol Bay* there is an annual competitive 26.2-mile run, fund-raiser and awareness event. This tribal community domestic violence program also puts on an annual community march against violence and a Bristol Bay women's conference. *See attachment J. – Villages Without Violence.* In 1999 there was also a "Villages Without Violence" Conference. *At Zuni* in 1996, the program was receiving two to three sexual assault victims per week. After the program staff went into the schools and made teens aware of domestic violence and sexual assault, there were more girls coming forward and saying they had been raped or date raped. A program person commented, "This was a real eye-opener for parents and the community." *In the Navajo Nation* advocates use brochures, candlelight ceremony, and advertisements in newspapers and at pow-wows. They have also created domestic violence billboards and television spots and radio skits. They visit the schools and carry out domestic violence

education there. They note that with some of the written material the people only glance at it. As a result of these varied media efforts however, a program staff person said, "The barriers are down. Our politicians are getting educated (*See Attachment K. - Have You Been a Victim?*) which is an informational brochure for community members created by another STOP program.

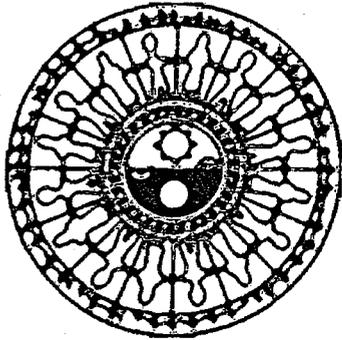
Among the *Eight Northern Pueblos* community support has been uneven for the Peacekeepers. In facing this challenge, the program indicated that each year they have had to approach the community to inform them about services because of the resistance toward recognizing domestic violence. In addition, the tribal officers often change each year. The Peacekeepers have a particular challenge because each Pueblo is politically autonomous. One program staff person stated that, "It's a hard issue. A lot of the root causes are male dominance. You are still controlled by the governors and they are mostly male... They won't address it [domestic violence issues] with money." Another program person said,

Changing cultural mindsets... traditional mindsets, inter-generational mindsets are very difficult and you can see it when giving presentations to smaller communities. You start talking domestic violence and sexual assault issues, and you can see the body language right away of the men. The women start nodding 'yes', but they are being real silent about it... We've done a lot of petition drives or community support drives, for example a table at Wal-Mart. Men will come up to the table and they'll start looking. The minute they see domestic violence and sexual assault booklet information and pamphlets, they just turn around. They don't want to deal with it. It is so ingrained and there is so much denial. We have so much work to do in this area that it's just incredible. I think in particular because it is northern New Mexico and because of the isolation; because of the traditional cultural values that are inherent in the culture... and boy, it's like breaking rocks.

The Peacekeepers and the Crisis Center and shelter in Espaniola work together to do presentations at schools on domestic violence and sexual assault in urban areas. They also do trainings for service providers about child abuse so that they can identify red flag cases.

At *another community* emphasis in community based education focuses on "Blaming the Victim and Breaking the Cycles." Education has also been targeted at children in an attempt to break the cycle of domestic violence. Community education was the main focus of this community's first STOP grant. The domestic violence officer also notes that she works on an informal basis with the community at large to educate people about domestic violence,

the availability of services, new tribal codes and ordinances, and the STOP grant programs. Often the domestic violence officer hears something like the following in the community, "Well, it's about time the tribe finally did something like that. They care."



## PART IV. A DISCUSSION OF BEST PRACTICES

This Part discusses the Best Practices that have emerged in the evaluation research. Many of these have been presented in previous Parts of this report and discussed within the context of a particular program or outlined in case study format. Here they are discussed generally, and in more analytical terms that indicate how Best Practices can be usefully incorporated into an understanding of both process and outcome. This Part delineates factors that contribute to the creation of these effective Best Practices, and the nature of the positive outcomes that result.

The evaluation research that is presented in this report has had three primary goals:

- To develop a basic understanding of the cultural and legal contexts of reducing violence against Indian women among Indian tribes,
- To evaluate the impact of tribal programs aimed at reducing violence against Indian women in terms of effectiveness, and
- To identify promising practices and recommend improvements to existing programs.

The first goal lays the foundation for understanding;

the second looks at positive or effective impact, and

the third identifies promising or "Best" practices.

But just what are "Best Practices" and who defines them? Is it "best" for the survivors or service recipients; for the program managers; for courts or law enforcement; or is it best defined from the broad based and analytical overview of the evaluation team?

A comprehensive “Best Practice” serves all of these segments, and fits into a holistic configuration of individual, family, community and tribal nation well-being.

### What are Best Practices?

Throughout the research we have allowed the definition of Best Practices to derive from the program and survivor responses, and to include

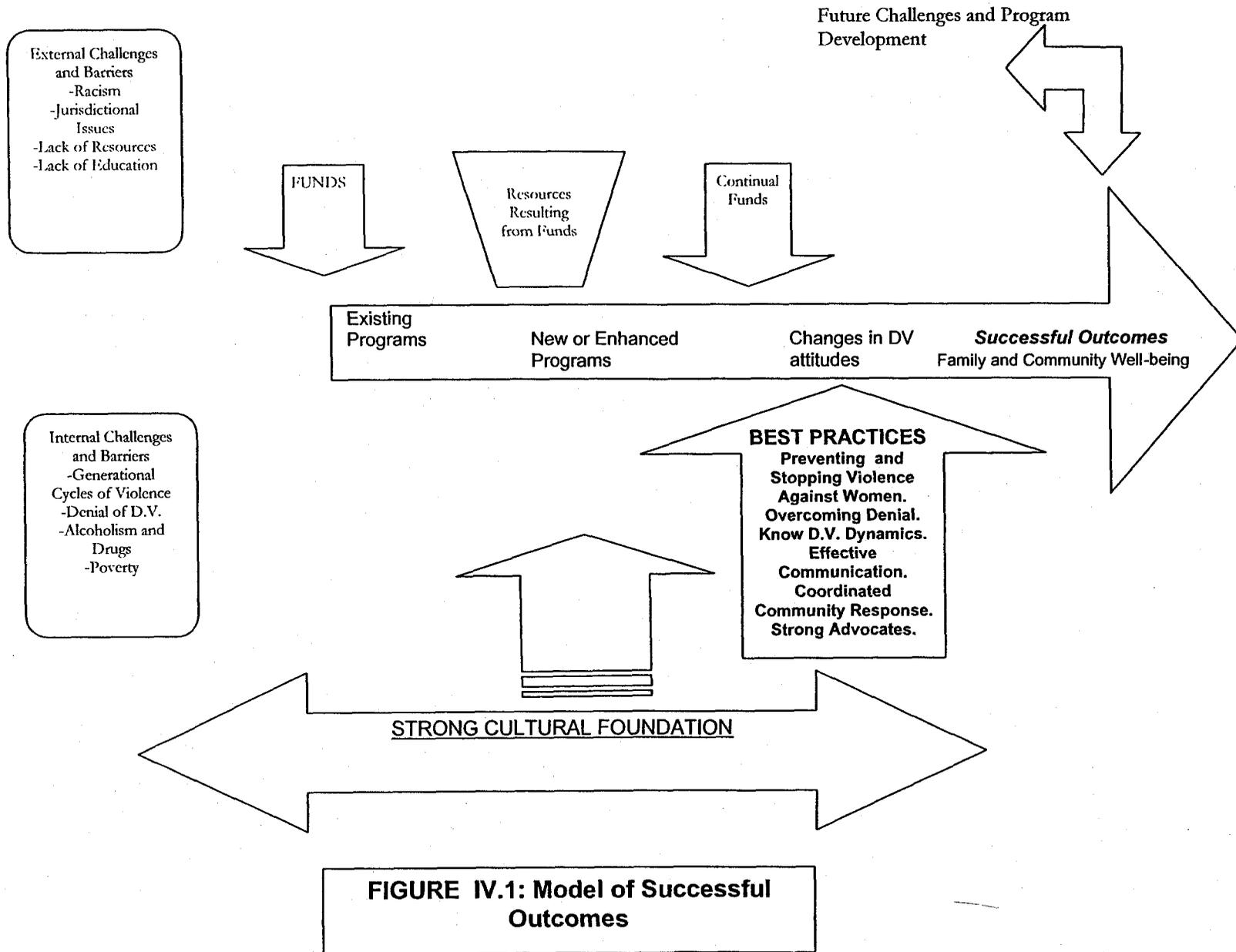
- procedures,
- activities,
- philosophical underpinnings, and
- tangible successes.

so that Best Practices can be seen both as a part of process and in outcome. This broad and flexible definition of Best Practices has encouraged the evaluation team to consider and come to appreciate all possibilities expressed by those working with, and those affected by the 123 STOP programs aimed at reducing violence against Indian women. The evaluation sample of 123 programs demonstrates wide variation in population and territorial size, and in the degree of population concentration. There is also distinctive tribally-specific cultural, historical, and social contextual circumstances. Because of this diversity, the needs related to reducing violence against women, and therefore the Best Practices addressing those needs are unique to each specific STOP program. Yet, at a more general level there are also many Best Practices shared by many of the STOP grantees.

*Figure IV.1. (Model of Successful Outcomes)*, developed by the evaluation team, presents a way to visualize the role of Best Practices in the overall process leading to effective or successful outcomes. In this case, successful outcomes reflect the reduction of violence against Indian women within a context of family, community, and tribal nation. These outcomes denote changes in understandings, in values, in belief systems, and in power relationships, for example, in grappling with complex jurisdictional issues; and with those related to race, class and gender. Some of these subtle changes may be difficult to measure, yet they can be observed in the form of trends over extended periods of time. As a multi-year study, the evaluation research has been able both to observe some of these trends, as well as to listen to those working with STOP programs and service recipients as they share their

observations of these trends and their personal experiences. When a STOP program staff person has said, "Things have changed around here since we got our STOP grant," this is significant and the evaluation team has listened in order to understand what factors have been catalysts in this process.

*Figure IV.1* represents the process, some of the factors, and the relationship of these factors that lead to successful outcomes, making clear the necessary role that STOP funding has had within the overall process. Best Practices, as developed to address the needs and circumstances of specific tribal contexts, are the means, then, through which successful outcomes are realized. The model indicates a few representative external and internal challenges and barriers that were reported by the grantees. Many others are mentioned in Part II of this report, and discussed in detail in the case studies throughout this report. Some of the existing barriers that STOP programs have faced are the result of current external pressures as well as in-community responses from inter-generational historical circumstances and oppression. Other barriers are economic, social and environmental. Changes in values related to violence against women, loosening of denial, acknowledgement of the existence of problems of violence, and the desire and active motivation to seek solutions has been the process carried out by many of the STOP funded programs. Those working in these programs have demonstrated the courage to do the hard work of making these deep and potentially long term changes in addressing violence against Indian women. Many of the STOP funded programs are not just reacting to the current crisis of violence, but are building a long term plan to remedy the underlying circumstances that have created the crisis.



**FIGURE IV.1: Model of Successful Outcomes**

### Who defines Best Practices?

Best Practices in the evaluation research have been defined by those involved in the STOP programs and by the evaluation team. One is a tribally-specific perspective, and the other is a complementary comparative cross-site perspective. A result of this research process has been to appreciate both the tribally-specific insights into Best Practices, and the evaluative overview gained from all 123 programs.

One of the questions included on the mailout survey to all 123 STOP programs was “What services do you think are innovative and effective in addressing violence against Indian women?” The survey respondents were most often the program managers, whether the program was housed in a legal/government-based context or in a human services context. 56 returned the survey and had responses that could be grouped in the following manner.

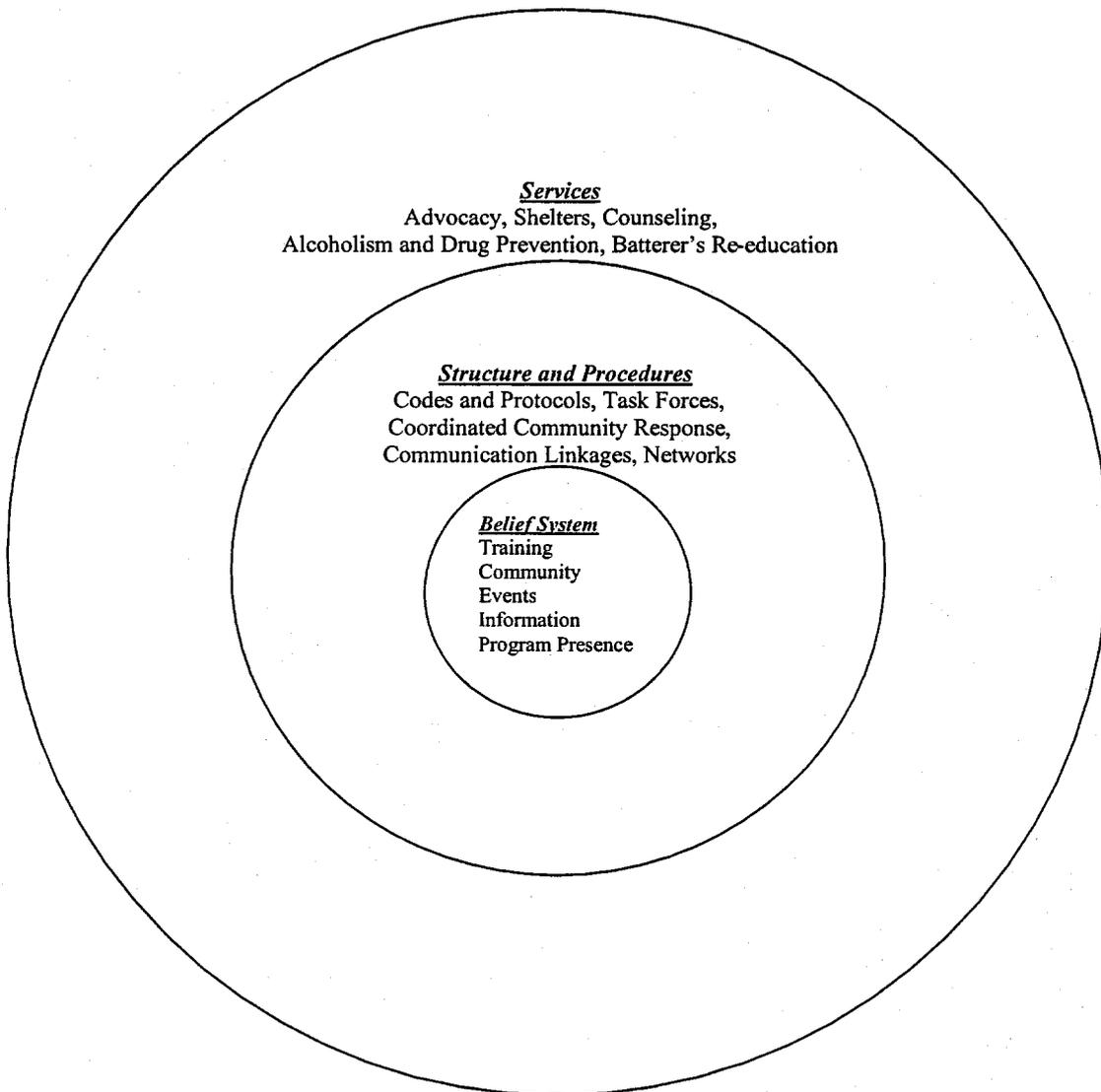
- \* Advocacy that is legal, housing, personal, medical
- \* Task forces
- \* Codes and protocols
- \* Training of task forces, medical staff, outside agencies, judges, law enforcement, prosecution, tribal officials
- \* Community coordination of services; coordinated community response
- \* Improve communication linkages
- \* Cross-deputization
- \* Crisis-response teams, crisis counselor
- \* Alcohol and substance abuse prevention
- \* Database, data gathering, and information sharing
- \* Women’s and children’s support groups and counseling
- \* Batterer’s re-education groups, rehabilitation
- \* Educating the Community: conferences, events, media

Each of these topics has been addressed in Part III of this report through specific case studies indicating how various programs have implemented these efforts in an effective and often innovative manner.

*Figure IV.2. (Concentric Circles of Best Practices)* shows three integrated circles of best practices that address:

- 1) world view and belief systems,
- 2) structures and procedures, and
- 3) services.

Each is interdependent on the other, and each is necessary for creating solutions to violence against Indian women. As one sage STOP program staff person said during an interview, “Services alone aren’t going to change violence against women; re-education and in-depth methods for changing a belief system will change violence against Indian women.” An essential first step in this process of change is confronting denial and facing the challenge of the reality that there is a problem that must be addressed.



**Figure IV.2: Concentric Circles of Best Practices**

The STOP funds have stimulated the creation of many Best Practice contexts where changes in belief systems related to violence against Indian women can take place:

- through training in law enforcement, in the courts and in the community;
- through community events and activities that raise awareness;
- through mustering sufficient statistics and demographic information so that the “facts” become evident; and
- through lifting the stigma of this previously taboo subject by the strong and ongoing presence of a program specifically aimed at preventing violence against women.

One of the most pervasive and successful outcomes of the STOP programs has been the diminishing of denial and therefore the ability in a community-based and supported manner to address the problems of domestic violence in culturally specific and appropriate ways by each of the 123 distinctive STOP programs.

Another STOP program participant during her interview said, “I think that you can educate people ‘til you are blue in the face, but there has to be some community accountability, interagency accountability, and unless that takes place, just like we do with the batterers, there has to be accountability with different agencies.” Her statement is reflected in the middle concentric circle of structures and procedures in *Figure IV.2*. Many of the STOP program Best Practices place emphasis on

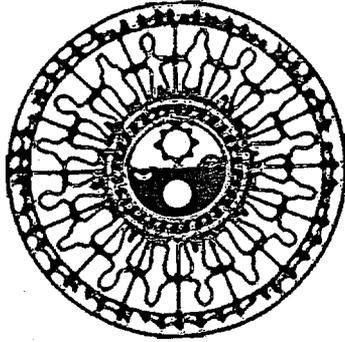
- strengthening communication linkages,
- creating coordination so that various agencies, often crossing over tribal and non-tribal boundaries and jurisdictions, can cooperate in addressing violence against women,
- networking, and
- being sure that structures and procedures are in place through ordinances, codes and protocols that give consistency and authority to actions.

All of the STOP programs when asked what they consider the most effective and innovative practices also spoke of the many direct services their programs provide. These are represented in the outer concentric circle in *Figure IV.2*. Likewise, these services are the most crucial on a day-to-day basis from the perspective of the victims of domestic violence,

sexual assault, and stalking. The Best Practice services that were described during the evaluation and that are discussed in Part III of this report include:

- shelters and other housing options,
- the many roles of the advocates,
- counseling and support groups for women and children
- re-education for batterers, as well as
- coordination with alcohol and other drug programs.

One service recipient said, “[we’ve] got to be around other families that are celebrating success...I don’t know how we have gotten through it, but we are happy now, and we are more spiritual than we were.”



## PART V. CONCLUSIONS AND RECOMMENDATIONS

The STOP VAIW program is making a significant impact on violent crimes against Indian women in Native communities. STOP grants empower Native communities in the development of community-centered approaches as well as tribally specific customs and practices to combat violent crimes against Indian women. The FY 1995-2000 STOP grant recipients have made significant advances in the effort to protect abused Indian women and hold offenders accountable for the crimes they have committed. These advances have primarily been the result of coordinated, community-based efforts. STOP grantees have demonstrated the success of implementing a coordinated approach to stopping the cycle of violence that exists in many Indian homes. By bringing together police officers, prosecutors, judges, victim service personnel, traditional and cultural leaders, tribal leaders and interested community members, STOP grantees are drawing on indigenous as well as American ideas about justice and community wellness to stop abuse in their communities. The community-centered goals of the STOP program have proven to fit well with many tribal communities who are seeking community-oriented methods to respond to violent crimes being committed against Indian women. The work to protect Indian women must continue and the STOP program is vital to these efforts in Indian Country.

While positive steps are underway in Native communities to stop the incidents of violence towards Indian women, there is still much work to do. Based on the impact evaluation of the 123 STOP grantees, the following recommendations are made:

## **Coordinated Community Response Recommendations**

### **Code Development:**

Developing and implementing comprehensive domestic violence, sexual assault, and stalking codes are fundamental to the development of a successful criminal justice response to violent crimes against women. STOP VAIW programs should make code development or revision a top priority. For those tribal communities that have no existing domestic violence, sexual assault or stalking code on which to build, codes from other tribes should be used as guides. However, they should reflect the specific tribal justice system.

### **Policy Task Force:**

The formation and continuous utilization of a task force is clearly an invaluable means to coordinate a community response to violent crimes against Indian women. STOP VAIW grantees should make every effort to develop a task force, or at least a regular working group to coordinate tribal policy efforts. A task force should include members of all components of the criminal justice system, victim service providers, shelter staff, social service agencies that handle child criminal justice systems, victim service providers, social service agencies that handle child welfare issues, members of the community at large, and other participants as appropriate.

### **Cultural Traditions:**

The incorporation of traditional components into the work of reducing violence against Indian women is an invaluable means of dealing with the challenges facing Native communities. STOP grantees should make every effort to include traditional healers, elders, culture-based activities, culturally specific counseling methods, and tradition-based means of holding abusers accountable as well as re-integrating them into the community.

### **Training:**

Each STOP VAIW program must do a needs assessment and identify the type and extent of training needed. In general, each of the criminal justice, law enforcement, and victim service agencies that respond to crimes against Indian women needs to provide training on domestic

violence, sexual assault and stalking issues. It is useful if all agencies are receiving consistent training so that everyone brings a common knowledge to each case.

### **Networking:**

Networking is a dynamic and flexible process that links individuals and organizations in such a way that information, resources and assistance have the possibility to flow in one or more directions. It is a valuable mode of relationship-building, and therefore a principal social dynamic in reducing violence against Indian women. The STOP VAIW programs should emphasize ways to increase and strengthen networks, and use this strategy as a principal means to accomplish program goals.

### **Information Sharing:**

Each STOP program must assess the best means of comprehensive data collection and information dissemination and improve or develop systems that are tailored to their needs. Each agency, law enforcement, prosecution, courts, and probation services needs to have access to the same information so that victims are protected and offenders are held accountable. Initiation or contact must occur at key junctures in each case. Standardized forms that are disseminated to relevant agencies are one example of how such a system can operate comprehensively.

### **Research and Dissemination of Results:**

Research and full dissemination of research results are fundamental to creating effective means to combat violence against Indian women. Both qualitative and quantitative methodologies are complementary and valuable approaches to research in Indian Country. Research results provide much of the needed information on which effective programs can be developed and enriched. Areas of potential future research include questions related to recidivism, the incorporation of traditional means of dealing both with abusers and their victims, the role of networking in creating effective means to combat violence against Indian women, and gender issues and expectations.

## **Victim Service Recommendations**

### **Shelters/Safe Houses:**

A compatible, safe place for Indian women to sort out their options after a domestic crime is extremely important. On-reservation shelters are advantageous because they are staffed all the time (or at least have someone on call), provide a secure space within the community, are generally sensitive, and enable a victim to be in an environment where she may be able to discuss her options with someone who understands her situation. However, a shelter may not be cost effective or even possible in some communities. Safe houses provide many of the same benefits of a shelter, and are very cost effective. However, both safe houses and shelters are only short-term options. They should not be viewed as the primary solution to the problem of violent crimes being committed against Indian women.

### **Advocates:**

Advocates are vital to a successful victim service program. All STOP VAIW programs should seriously explore the feasibility of creating some type of advocate position(s) so that women who find themselves in the legal system have a well-trained guide to assist them. Ideally, both legal and victim advocates would be available so that a woman knows her rights, the status of her case, and also understands what services are available. This should be considered as a long-term service provision and a resource with the personalization necessary to address the uniqueness of each situation and empower Indian women who have been victimized.

### **Protection Orders:**

Protection orders can be one of the most important tools a legal system has to protect a woman who has experienced domestic abuse. Victim safety, however, can be undermined if the order is not enforceable. STOP VAIW programs must assess their jurisdictional issues and develop protection orders that are legally sufficient for enforcement by outside jurisdictions. Tribal courts should develop procedures to verify tribal court orders by outside jurisdictions, so that orders are enforceable beyond the reservation.

### **Support systems/Crisis Intervention:**

STOP VAIW programs need to work to develop tribally specific, victim centered programs so that Indian women have a support system outside their abusive situations. Child care, job training and education are all victim service areas that need to be fully developed to provide options for Indian women who want to leave an abusive situation. While developing crisis intervention programs in Indian Country is challenging, it is not impossible and they offer substantial benefits for a victimized woman.

### **Law Enforcement Recommendations**

#### **Jurisdiction:**

Each STOP VAIW program must do an assessment of their jurisdictional situation and clearly understand the jurisdictional issues that are barriers to protecting abused Indian women. Once the jurisdictional environment is clearly understood, each program should make a determined effort to start a dialogue with tribal, state, county and federal agencies with which they must work. The only feasible solution to the jurisdictional complexities that are inherent in Indian Country begins with sincere discussions of the problems with everyone who is involved.

#### **Training:**

Law enforcement training is extremely important for a successful STOP VAIW program. Police must understand the dynamics of violence against Indian women and be well equipped to handle these situations. The evaluation data suggest that the most successful training method is a mandatory training conducted by criminal justice personnel. Because of the high rates of turnover experienced by many tribal police departments, efforts need to be made to insure that training is done in such a way that one person leaving the department does not take all the knowledge with him or her.

#### **Specialized Domestic Violence Officer or Unit:**

A specialized officer or unit is effective in those communities that need and can support such a position. Each STOP VAIW program needs to closely assess their situation and determine whether they have the number of cases and the personnel on hand to develop a specialized officer. If the need exists, these positions are effective in bringing consistency

and knowledge to each violent crime that is committed against an Indian women. Even when a tribe does not have its own police department, a person should be designated to liaison with enforcing jurisdictions.

#### **Protocols:**

Development of clear law enforcement protocols are important to creating a consistent level of response to domestic violence, sexual assault and stalking calls. STOP programs should develop clear, written protocols with input from not only police officers, but also from prosecutors and victim service providers. Dispatchers must have a clear protocol so that each domestic call receives the proper response, especially where jurisdictional confusions may exist. Protocols, in conjunction with a clear and useful code, make a significant impact on the safety of Indian women who have been abused.

#### **Prosecution Recommendations**

##### **Innovation:**

Tribal prosecution units have a great deal of potential for developing innovative ways to assist Indian women who have been victimized. Each STOP program must assess their needs and develop appropriate responses for prosecutors. Prosecutors should take a leading role in developing innovative systems that protect victims and hold offenders accountable to the community, and in training components of the programs as well as relevant components of surrounding jurisdictions.

##### **STOP VAIW Funded Prosecution or Additional Staff Time:**

Because the STOP VAIW program allows funds to be used for prosecutors, tribal programs without the resources to hire a prosecutor full time should use these grants to at least partially fund a prosecution unit. A prosecutor is vital to helping protect a victim and hold an offender accountable, so those communities that do not have a prosecutor should assess the feasibility of developing this position with STOP funds.

##### **Codes:**

Tribal prosecutors play a vital role in code development and implementation. In this role prosecutors should seek community support, and attempt to integrate tribally specific

features in tribal domestic violence, sexual assault and stalking codes. Prosecutors are also valuable in training others, particularly law enforcement and probation on a newly developed code and helping to insure that the codes and protocols are followed.

#### **Protocols:**

Prosecutors should develop and implement protocols that provide for clear and consistent responses to cases that involve violent crimes against Indian women. Because of the newness of domestic violence codes and the problems associated with prosecuting these cases, protocols are important in ensuring that cases are handled appropriately by all prosecutors. Effective prosecution protocols allow fewer cases to slip through a system and therefore are helpful in protecting Indian women and holding offenders accountable.

#### **Probation/Tracking Officers:**

Probation/tracking officers are an essential component of prosecution as they ensure accountability in compliance with court orders and mandated programs. STOP VAIW programs should assess the needs of the community and develop some type of appropriate position that is designed to keep track of a domestic violence offender. With new and revised codes, tribal criminal justice systems are processing more offenders and must attempt to keep these offenders accountable to the system. The probation/tracking officer position should be designed so that the officer reports any failure to comply with a court order directly to the court.

#### **Batterer Intervention:**

Development of a batterer intervention program can be an effective alternative to incarceration if the program is designed with community input, offenders are held accountable, and there are strictly enforced appropriate consequences for non-compliance. STOP VAIW programs that have no incarceration facilities or have concerns about removing an offender from the home or community should consider developing a structured batterer intervention program. In conjunction with a probation/tracking officer, batterer intervention programs can be successful in making an offender accountable for his actions.

## APPENDIX A.

### EVALUATION METHODOLOGY

An effective and appropriate evaluation that feeds back information both to funders and to grant recipients is one of the Best Practices that this evaluation report has emphasized. This detailed description of the evaluation research methodology is included here because we feel that the approach, detailed techniques, as well as some of those aspects that are uniquely specific and productive for research in American Indian communities may serve as a model and provide guidelines for future evaluation research.

#### **Evaluation and Final Report of the 1996-1998 Research**

The preliminary evaluation report, completed in 1999, focused on the fourteen first grantee programs. This study had four distinct methodological phases. These are:

- 1.) Historical and legal research. This included the collection of STOP VAIW grant progress reports, financial records, narrative reports outlining first year activities, reports on grant implementation, copies of tribal codes regarding violence against Indian women, and copies of tribal police and prosecution protocols regarding violence against Indian women.
- 2.) Site Visits. These were carried out with all fourteen grantees where interviews were carried out with individuals who work with STOP VAIW grant programs, including tribal government leaders, program staff, tribal law enforcement and court personnel. No formal interviews were carried out with American Indian women who had received services as victims of violent crimes. However, two women service recipients did volunteer and were interviewed. Each program also completed a survey regarding victim referrals, arrest and prosecution rates, and a number of other grant impact indicators.
- 3.) Post-site reports. These reports summarized the data gathered from each grantee during interviews and via the surveys.
- 4.) First report. The gathered information was analyzed and compiled into a final report.

## CURRENT EVALUATION

The current evaluation research has incorporated many of the methodological strategies employed in the first research phase from 1996-1998. However, the sample size broadened to 123 projects. Site visits were conducted with an additional fourteen of the 123 projects. Three of these were return site visits from the preliminary evaluation, so are considered longitudinal study sites. The site visits were begun during the summer of 1999, and concluded in the winter of 2000. Some of the other changes in the evaluation process included:

- 1.) Making an initial telephone contact, including a thirty-minute interview with all 123 programs;
- 2.) Sending out a more comprehensive mailout survey;
- 3.) Collecting homicide and hospitalization statistics;
- 4.) Interviewing 1-4 service recipients, that is, victims of domestic violence or sexual assault at all fourteen sites visited. These interviews followed a pilot study that tested the interviewing methodology.

See figure I.1. of the report narrative for a summary of the evaluation methodology. From the beginning of the evaluation research design and planning, the research team has been acutely alert not only to the wide variation in the nature of the programs themselves, but also to the specific and often unique cultural tribal contexts and the situationally specific circumstances found in Indian Country. In order to meet this challenge, a series of diverse research tools and approaches have been utilized. This recognizes that some programs would best be able to convey the nature and specifics of their work via responding to a written survey; for others the face-to-face interaction of the site-visits would be most productive; while others would respond most fully via a telephone interview. The research team has utilized as many approaches, techniques, and research tools as feasible with all of the 123 programs in order to ultimately gain a comprehensive and nuanced understanding of the full activity and impact of each of the program's accomplishments.

In assessing the results of grant-related activities in each of the programs, a series of measures were collected. These include the following:

1. Statistics on the frequency of particular activities before and after the grant;

2. Detailed information about coordinated community response systems, victim services, the nature of police and prosecution programs;
3. The impact of increased training for law enforcement, prosecutors, courts, social services, and health and medical personnel;
4. The establishment of programs, and the expansion and enhancement of existing victim services;
5. What kinds of direct services for victims were increased, including helping the victims through the criminal and civil justice systems, helping them to obtain financial aid, housing, or employment, and services to meet personal needs through counseling, safety planning, shelter, or education;
6. What programs were implemented to increase public education and awareness in the community regarding domestic violence;
7. What policies, procedures, protocols, or administrative orders were created, revised, or expanded, and whether criminal codes were created, enhanced and/or revised pertaining to domestic violence, sexual assault, or stalking;
8. What data collection or communication systems were implemented or enhanced; and
9. What cultural-based innovations were employed to improve program delivery?

### **Telephone Interviews**

The evaluation team conducted the necessary research to locate each grantee program manager, the address and phone number. Each program was then sent a letter of introduction, explaining the goals and objectives of the evaluation research. Then each program was contacted and appointments were set up to conduct 30 minute telephone interviews, most often with program managers, or advocates, tribal prosecutors, or law enforcement agents.

The telephone interview protocol that was utilized was intended to solicit brief responses on a broad range of topics. Also taken into account was the fact that the telephone interview might be the only information obtained from certain programs that remained unresponsive to other evaluation activities. Thus, the most crucial information was included in the telephone interview, including:

- Program operations

- Codes and protocols
- STOP grant support level
- Dispatcher activities
- Jurisdiction
- Police
- Medical help
- Protective orders
- Advocates
- Prosecution and sentencing.

The full telephone interview protocol is included here as *Attachment L*. The phone interview was useful, particularly for identifying quantitative information. In contrast to the longer mailout survey that was completed by 56 of the programs, and the site-visits to 25 of the programs, three of them twice, the telephone survey was completed by all 123 programs, therefore giving comparative data on the entire set of funded STOP grant programs.

#### **Information Request Letter**

Following the phone interview, an information request letter was sent out to all programs, asking for specific documents and reports, as well as offering our contact information. (*See Attachment M.*) The letter was sent to each program within a day of the telephone interview with the expectation that a full response would result since the evaluation objectives were fresh in the minds of the interviewees. Approximately 1/3 of the non-site visit programs sent additional information such as documents and reports. Others sent this information when they returned the mailout survey. In hindsight, we believe that it would have been more efficient had the information request letter been sent out with the mailout survey, instead of being sent out separately.

#### **Mailout Survey**

One week following the telephone interview, a mailout survey, accompanied by a cover letter and self-addressed stamped envelope was sent out to each of the 123 programs. (*See Attachment N.*) The survey was designed to gather both quantitative and qualitative data in

order to provide, through this format, yet additional perspectives and types of information regarding the various programs. The survey was divided into four parts: 1) general information; 2) victim services; 3) law enforcement; and 4) prosecution. If the survey was not returned within the thirty days as requested, a follow-up telephone call was made, and a letter (*See Attachment O.*) was sent out.

Some programs returned this fairly daunting survey as requested, and completely filled it out. Others were not able to do so as a result of:

- 1) changes in program staff;
- 2) the lapse of time between the survey request and those early funded program activities, some of which had ended;
- 3) the lack of resources and equipment among some programs that would facilitate the consistent maintenance of program statistics; or
- 4) some programs' assessment that the survey was too cumbersome and detailed for them to fill out.

When it became evident that some programs were not returning the mailout survey, repeated telephone calls were made and continued until the summer of 2001. Ultimately 56 of the 123 programs returned the survey. This number, while not as high as might be hoped for, when coupled with the fourteen site visits carried out early in the evaluation research, and the fourteen site visits carried out during the second phase of the evaluation; and the telephone interviews with all 123 programs, provides a series of data sets that when taken together provide rich and comprehensive data overall. These provide both important specifics of the work of addressing domestic violence, sexual assault, and stalking within tribal communities, as well as longitudinal trends over time of these program activities. These data provide the basis for cross-site comparison. All of these aspects have been fundamental to the evaluation research, and provide the basis for this final report.

### **Homicide Statistics**

As a requirement for the continuation evaluation research grant of October 2000-December 2001, then Attorney General Janet Reno requested the evaluation team to supply homicide and hospitalization rates resulting from domestic violence for the programs that had receive STOP grant funding. This necessitated re-contacting the 100 tribes that were funded during

FYs 1995-1997 in order to obtain these rates. The following questions were asked of each program:

- 1.) How many homicides related to domestic violence, sexual assault, and/or stalking occurred in your community from the first year of your STOP grant to now?
- 2.) How many people were hospitalized due to serious injury relating to domestic violence, sexual assault and/or stalking since receiving the grant until now?
- 3.) How many violent incidents resulted in death and/or serious injury to children or Elders?

Only 25% of the programs were able to provide this information. There were two principal reasons for this low return, both major issues facing tribal communities. First, as described in detail in the preliminary evaluation report, (See Luna *et al.*, 1999: 43-46) and in Part IIIA of this report, there are a number of extremely complex jurisdictional issues intertwined with tribal relationships with city, county, state and federal judicial and law enforcement bodies. Homicides on tribal lands fall under federal jurisdiction. Therefore in many cases, tribal access to adequate statistics that clearly reflect homicide and hospitalization realities on tribal homelands is limited. In addition, many of the programs that have received STOP grants do not have the fully developed infrastructures, nor the necessary equipment, and human resources necessary to maintain thorough and consistent statistics.

### **Site Visit Planning**

The sample of STOP funded programs that were to be visited were selected through the following process. Representatives of the evaluation team met with VAIW representatives in Washington D.C. Each presented a proposed list of potential sites to be visited, along with the criteria for this selection. The ultimate set of programs to be visited were decided on based on the following criteria:

- Those that represented the various ways that STOP funds could be utilized, including training, data collection, domestic violence police officers, advocate programs, the development of a task force, domestic violence code development, improvement of victim service programs, and the development of police and prosecution protocols;
- Those programs that represented both small and large tribes;

- Those programs that represented a wide range of law enforcement agencies that respond to violent crimes against women;
- Those programs that included examples of consortia from a wide region and/or formed by distinctive entities; and
- Those programs that represented an overall regional diversity

Three of the programs that had been site-visited during the initial set of site-visits for the preliminary evaluation report were selected for a re-visit, based on the criteria that they represented some particularly innovative and successful “best practices,” and they would be able to provide the evaluation team with full and consistent quantitative and qualitative longitudinal data.

The programs that were identified for site visits were notified during the initial telephone interview. This notification was followed by a letter detailing dates and desirable visit activities and contacts (*See Attachment P.*). The letter proved effective in helping the program managers to plan for the visit and set up appointments with interviewees. One week after sending out these letters, an evaluation team member called the contact person for each of the site visit programs, finalized dates and made travel plans. There were three sites that were to be visited, that had, by the date selected, not yet received their STOP grant funds. In these cases, the selected site was replaced by another. In yet another case, the evaluation team did visit a site that had not yet received the most recent year’s funding. Scheduling the site visits often took special considerations such as the harsh winter weather conditions of those sites in the far north, and summer vacation schedules for all programs.

### **Site Visit Procedures**

Following the preliminary evaluation research and the preliminary report, the fourteen new site visits of two to three days each were carried out during the summer of 1999 and completed in the winter of 2000. The site visits were principally directed toward interviewing those people who work either directly or indirectly with STOP grant programs. At most locations, police chiefs, police officers, victim advocates, tribal judges, prosecutors, victim services providers and recipients, and grant coordinators were interviewed. The

interviews were designed to assist in painting an overall picture of domestic violence programs and issues at each location.

Prior to each site visit an evaluation team member wrote up a "pre-site report" for each of the programs using information that was obtained from the telephone interviews, mailout surveys, and any additional information that was either mailed in or accessed from the Internet. These pre-site reports helped to shape the types of questions that were asked because they indicated what the evaluation team already knew and what was needed to find out about how violent crimes against women were responded to in that particular community.

At least two team members were present at each interview. One person served as the principal interviewer, while the other taped the interviews on audiocassette, and took detailed notes. Prior to the interview, each interviewee was required to sign two identical consent forms (*See attachment Q.*), one for the evaluation team records, and one for their records. Most interviews took place in offices, shelters and courtrooms. The majority of the interviews were with one or two individuals. However, in some cases focus groups were conducted with up to ten individuals. At times, the focus group format was deemed less effective than the individual interviews due to personality dynamics and time constraints. At other times, the focus groups turned out to be extremely helpful in placing the program work into a broader context. Also, the site visits provided a face-to-face forum in which representatives of different agencies could communicate with one another, sometimes for the first time.

Another important component of each of the site visits was interviewing the victims of domestic violence who were service recipients. A total of twenty-six victims of domestic violence and sexual assault were interviewed during the site visits. The interview process consisted of a one-time retrospective conversational approach. A conscious effort in the design of this aspect of the site visits was focused on maintaining confidentiality, on being aware of the very sensitive and personal nature of the topic for the service recipients, and on avoiding an interviewer-controlled approach that previous research has shown to have problems with power dynamics, question/answer monotony, and distrust and dislike of a

bureaucratic format. Rather, the evaluation team generated a list of services and issues on which to focus. Topics during the interviews focused on the services that had been provided and not on the details about violent incidents, which had caused the need for the services. An event guide or pathways board was designed by the evaluation team and created to be used as a visual aid. With this innovative interview tool, representations in pictures and words of each service could be attached with Velcro to a board so that services could be grouped together at the beginning of the interview and moved as the interview progressed to make the conversation relevant to the particular interviewee's experience.

Two interviewers and the service recipient met in a variety of settings, including STOP agencies, at shelters, at restaurants, at workplaces, or homes. One person was interviewed by telephone. The STOP grant program staff, who were able to indicate who might be willing to discuss these highly personal experiences with the evaluation team, chose the service recipient sample. At two sites, advocates accompanied two of the service recipients during the interview, and in two cases, young children were present. Otherwise, whatever the setting, the priorities of privacy and comfort were ensured, both to respect the needs of the service recipients, and in order to obtain the information that they wished to share with the evaluation team. The service recipients received a \$20 honorarium prior to the interview, and the goals of the interview were clearly explained. Two consent forms were signed. The interviews were tape recorded, and notes were taken on all the proceedings.

Documents such as tribal codes, community education pamphlets, and statistics were also gathered as a component of the site visits. As feasible, an evaluation team member took photographs of the agency offices and shelters. Following return from the site visit, a letter was sent to the program thanking them for their cooperation. (*See Attachment R.*)

### **The Inclusion of Additional Tribes**

In January 2001, the evaluation team was notified by VAWCO That the final report should also include the twenty-four programs that received funding in 1998 and the ten programs that received funding in 1999. Work was then started with these more recently funded thirty-two programs, following the same steps that had been carried out with the previously evaluated programs. The only changes were that site visits were not carried out and

questions regarding the homicide rates were incorporated into the telephone interview, rather than making a separate call.

### **Information Synthesis**

In an effort to develop a general profile of STOP grant programs, internal reports or “mini-reports” were written for all 123 programs. These reports summarize all of the data gathered from each program, and served as the basis for the final report. Each mini-report is designed to fit a uniform template as follows:

- Tribal Background and current events in the news
- Program Background including finances and other funding
- Grant goals
- Grant activities
- Grant positions
- Best Practices (Innovations)
- Agency Trainings
- Public Education
- Victim and family services
  - Shelter and safe houses
  - Women’s groups
  - Children’s groups
  - Family violence options
  - Men’s reeducation programs
  - Advocacy
  - Medical care
- Court system
  - Probation
- Codes and ordinances
- Prosecution
- Protection orders
- Law Enforcement
  - Dispatcher

- Inter-Governmental relations
- Coordinated response (data and communication systems)
- Suggestions and concerns
- Perspectives of service recipients

For the non-site visit programs, the mini-reports are less extensive because they only include information from the telephone interviews, mail out surveys, and any additional information that had been sent to the evaluation. The post-site visit reports are more detailed. These include the data collected in the same manner as the non-site visit programs in addition to the more detailed information collected on site. Each of the on-site interview tapes was transcribed, read over carefully, and included in the reports. In addition, the service recipient interview tapes were transcribed, coded by two persons on the research team, and summarized. Some of the exchanges on the tapes were undecipherable, so the written notes were useful for clarification. During the transcription and review of the interviews, a number of unanticipated themes were discovered. Also two evaluation team members worked on the service recipient interviews to summarize and analyze them. All data was organized to simplify retrieval and review as necessary. Original copies of all data were maintained in a locked file cabinet, while copies of the service provider information were made and put into three ring binders for the research team members to use. Also logs were maintained of all contacts with the programs, as well as the nature of any materials sent by the programs.

### **Final Report Preparation**

In the initial phase of analysis, the programs were sorted by where they were housed: prosecution, court, law enforcement, victim services, social services, tribal government or inter-tribal consortium, department of health or behavioral health, shelter, and shared between various departments. The rationale behind making this sort, rather than by regions, was to assess those trends associated with the program management, goals, and activities. Other emphases of the analysis are: notable innovations and best practices, impacts overall, ability to meet service recipient needs, the incorporation of unique cultural and legal status of American Indian groups, the impact of coordinated community responses and task forces; and challenges and barriers that the programs have faced.

The next step in the analysis was to amass and summarize thematically, all of the information obtained during the research, and to carry out a deep analysis of the longitudinal case studies. This phase of the analysis was based on the organizational template designed for the individual program mini-reports, which facilitated navigating through the large amount of material gathered during the evaluation research period. Exemplar site visit case studies were earmarked to accompany each thematic section in order to enrich the description of various program components. During this period in the analysis, it was decided to request waivers of anonymity in order to identify and give credit in the final report to those programs with particularly innovative and successful activities. Eight of the programs granted a waiver of anonymity that allowed full discussion of their programs. This also makes it possible for other programs in the future to directly request information on these innovative approaches and best practices. Personal confidentiality was strictly maintained for all programs. Finally, as each of the thematic areas was completed, they were integrated, organized, and compiled into the present final report.

### **Challenges faced by the Evaluation Team**

In a follow-up self-analysis of the evaluation process the evaluation team noted the following challenges:

- 1.) Because the majority of the evaluation team consisted of graduate students working part-time there was some staff turnover at the end of each academic year leading to a degree of discontinuity and the need to frequently re-organize schedules and tasks. Additionally, since most of the team was part-time, there were some difficulties in scheduling telephone interviews and other coordinated tasks.
- 2.) VAIW office contacts did not send the evaluation team copies of the programs' grant proposals. Gaining other useful information such as contact individuals for each grant were often difficult to obtain from the VAIW office. These gaps in communication created unnecessary delays and additional work for the evaluation team. Material such as the programs' proposals would have been useful in establishing some baseline information for the evaluation.
- 3.) The evaluation work was, on occasion held up due to VAIW bureaucratic constraints related to budget and organizational changes. These were frustrating, but not insurmountable.

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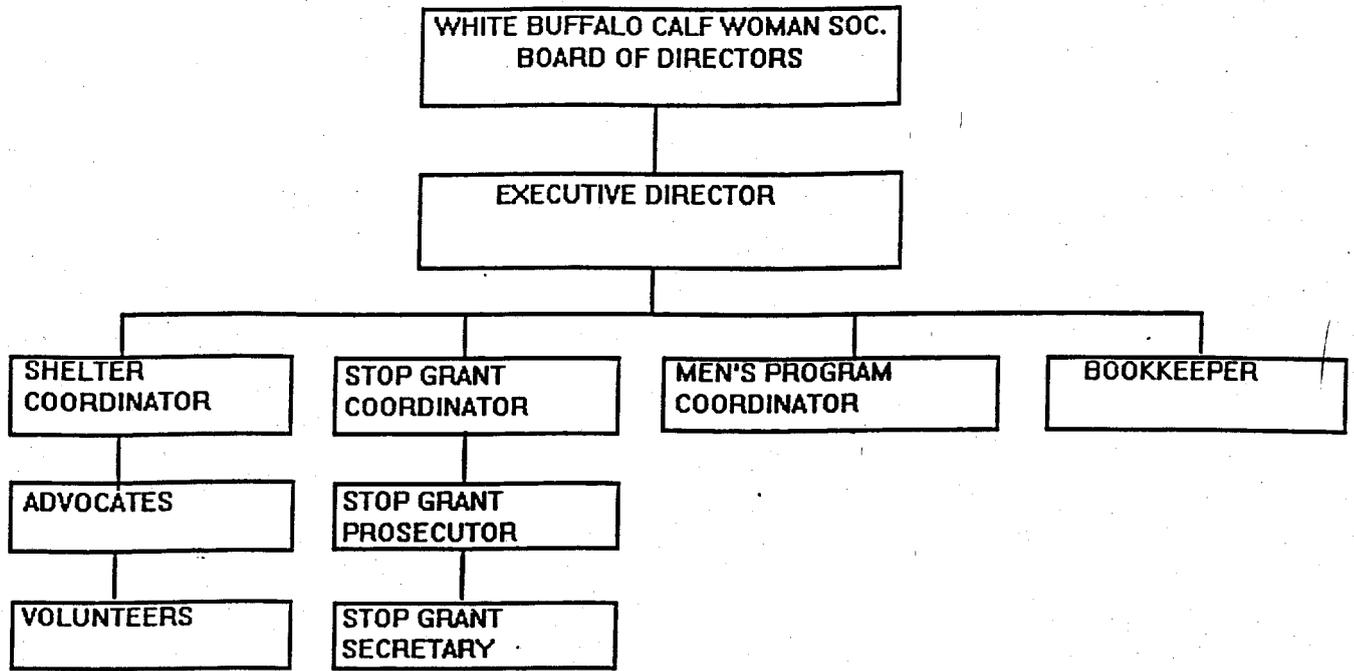


## Attachments Table of Contents

A White Buffalo Calf Woman Society – Organizational Chart	194
B Stop Violence Against Indian Women Organizational Chart	195
C Eight Northern Pueblos Sample Domestic Violence Code	196
D Another Sample of Domestic Violence Code	213
E Sample Tribal Coordinated Community Response Chart	235
F Another Tribal Coordinated Community Response Guidelines	236
G Navajo Memorandum of Agreement	240
H Sample of Consent to Release of Information Form	244
I Eight Northern Pueblos Information Gathering Forms	246
J Bristol Bay Conference Announcement (Front page only)	248
K “Have You Been A Victim?”	249
L Non-Site Visit Phone Protocol Form	250
M Request For Information Letter	258
N Explanation Letter and Mailedout Survey	259
O Mailedout Survey Follow-up Letter	296
P Site Visit Letter	297
Q Interview Participant Consent Form	299
R Thank You Letter	304

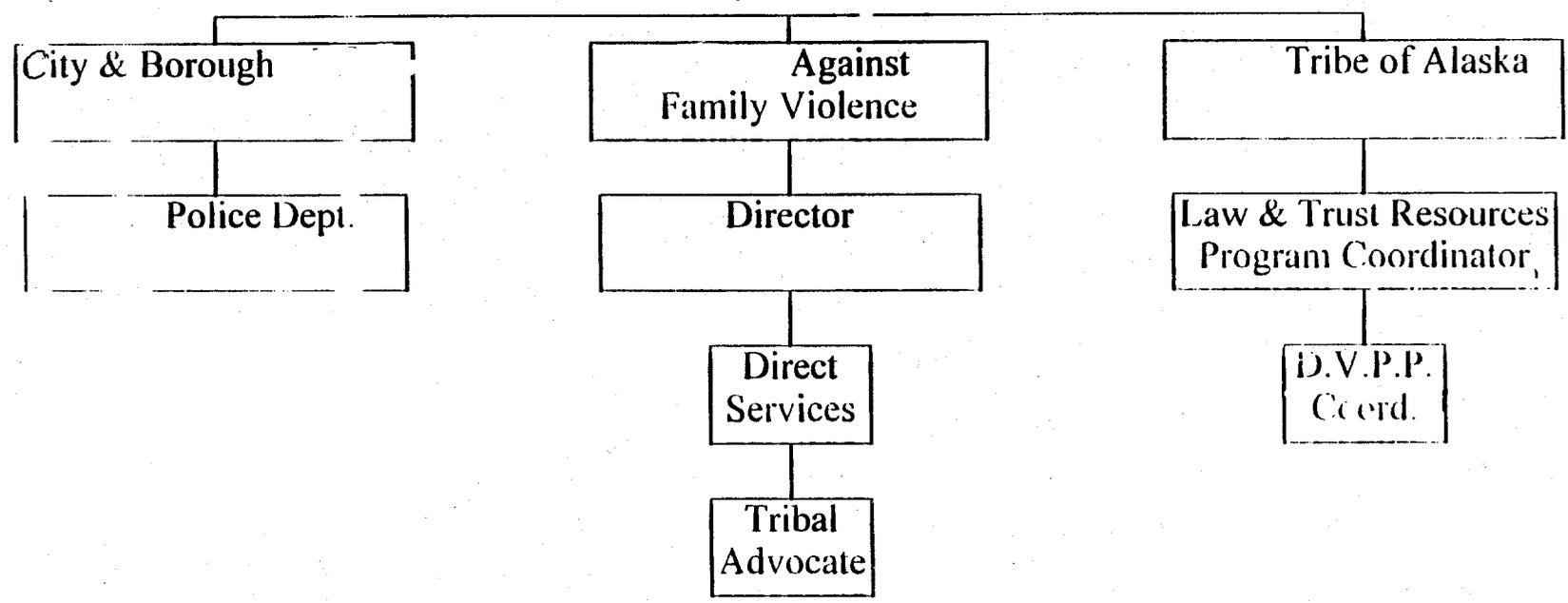
A

WHITE BUFFALO CALF WOMAN SOCIETY, INC.  
ORGANIZATIONAL CHART



B

## Stop Violence Against Indian Women Organizational Chart



# DOMESTIC VIOLENCE CODE

## DOMESTIC VIOLENCE

### SECTION 1. STATEMENT OF PURPOSE AND JURISDICTION.

It is the purpose of this Code to stop all family violence on the Pueblo of ~~\_\_\_\_\_~~ and to promote the healing of families where possible. Domestic violence is a serious crime against society and this Code seeks to guarantee to the victim the maximum protection from abuse which the law can provide.

It is the intent of the Pueblo of ~~\_\_\_\_\_~~ Tribal Council that the official response to cases of domestic violence shall be that violent behavior is not to be tolerated or excused, whether or not the abuser is intoxicated. The elders, adults, and children of our Tribe and the entire community residing on the Pueblo of ~~\_\_\_\_\_~~ are to be cherished and treated with respect.

The Pueblo of ~~\_\_\_\_\_~~ asserts its jurisdiction over matters involving domestic violence as stated below.

Criminal jurisdiction shall extend to the following classes of persons:

- (1) all members of the Pueblo of ~~\_\_\_\_\_~~
- (2) all other persons as permitted by the laws of the United States or by the individual person through knowing and voluntary consent to tribal enforcement of tribal law.

All non-members residing at ~~\_\_\_\_\_~~ Pueblo are required to sign the Acknowledgement recited in the 1978 Tribal Ordinance. Failure to do so will subject non-member residents to

expulsion from the Pueblo.

Furthermore, in the absence of criminal jurisdiction over persons to enforce tribal law, the Pueblo has the inherent power to detain and deliver up to other authorities or to exclude from the Pueblo of , those persons over whom criminal jurisdiction cannot be obtained, but who pose a danger to the public health, safety or welfare of the  Community.

Civil jurisdiction shall extend to all persons listed in this Code as a "family member or household member" (see Section 2 C).

## SECTION 2. DEFINITIONS.

As used in this Chapter the following terms shall have the meanings given below:

- (A) "Domestic Abuse" means any incident by a household member against another household member resulting in:
- (1) physical harm;
  - (2) severe emotional distress;
  - (3) bodily injury or assault;
  - (4) a threat causing imminent fear of bodily injury by any household member;
  - (5) criminal trespass;
  - (6) criminal damage to property;
  - (7) repeatedly driving by a residence or work place;
  - (8) telephone harassment;

(9) stalking;

(10) harassment; or

(11) harm or threatened harm to children as set forth in the paragraphs of this subsection.

(B) "Court" means the ~~tribal court~~ Tribal Court, or the Traditional Court.

(C) "Family member or household member" of a person means a spouse, a former spouse, a person related by blood, a person related by an existing or prior marriage, a person who resides or formerly resided with the person, a person who has had a continuing personal relationship whether or not they have resided together, or a person with whom the person has a child in common regardless of whether the parents of the child have been married or have lived together at any time.

(D) "Mandatory Arrest" means that the victim need not sign a complaint for an arrest to occur. A police officer or the tribal sheriff shall arrest if there is a probable cause to believe the person to be arrested has committed an offense as defined by this Code even though the arrest may be against the expressed wishes of the victim.

(E) "Order of Protection" means a court order granted for the protection of victims of domestic violence.

(F) "Perpetrator" means the person who has committed an act of abuse on his or her family member or household member.

- (G) "Police Officer" means a member of the Pueblo of San Juan Tribal Police Department, or the Tribal Sheriff. In this document, the term "police officer" includes the tribal sheriff.
- (H) "Probable Cause" for arrest means that the police officer, acting as a person of reasonable caution, has reasonable grounds to believe that the person to be arrested has committed an offense as defined by this Chapter, based on all the facts known to the officer, including the officer's personal observations, statements made by the parties involved in the incident, statements made by witnesses, if any, and any other reliable information.
- (I) "Director of Social Services" means the Director of ~~San Juan Pueblo~~ Social Services, his or her designee, the Governor, or any other person appointed by the Governor, acting in close cooperation with the Domestic Violence Program, Alcohol and Substance Abuse Programs. In this document, the term "Director of Social Services" shall include all persons, named in the preceding sentence.

### SECTION 3. CIVIL REMEDY -- ORDER OF PROTECTION.

(A) Availability of Petition.

- (1) A petition to obtain an order of protection under this Section may be filed in either the Tribal Court or the Traditional Court by:
- a. any person claiming to be the victim of domestic violence,
  - b. any family member or household member of a person

claimed to be the victim of domestic violence, on behalf of the alleged victim, or

c. the ~~Director~~ Director of Social Services.

- (2) A petition shall allege the existence of domestic violence, and shall be verified or supported by a signed statement stating the specific facts and circumstances justifying the requested order.
- (3) A petition may be filed regardless of the pendency of any other civil or criminal proceeding related to the allegations in the petition.
- (4) No filing fee shall be required for the filing of a petition under this section. If an alleged perpetrator has been arrested for the offense of domestic violence, the Court or tribal sheriff or the arresting police officer shall advise the alleged victim of the right to file a petition under this section without cost.
- (5) The petitioner, or the victim on whose behalf a petition has been filed, is not required to file for annulment, separation, or divorce as a prerequisite to obtaining an order of protection; but the petition shall state whether any other action is pending between the petitioner or victim and the respondent.
- (6) Standard, simplified petition forms with instructions for completion shall be made available by the Tribal Court, the Pueblo of ~~Tribal~~ Tribal Police Department and the Governor's office to persons wishing to file petitions.

(B) Procedure for Issuance of an Order of Protection.

Upon the filing of a petition for order of protection, the Court to whom the petition is presented shall:

- (1) Immediately grant an ex-parte order of protection without bond if, based on the specific facts stated in the signed statement, the Court has probable cause to believe that the petitioner or the person on whose behalf the petition has been filed is the victim of an act of domestic violence committed by the respondent, and issuance of the ex parte order is necessary to protect the victim from further abuse.
- (2) Cause an ex parte order of protection, together with notice of hearing, to be served immediately on the respondent. Service shall be accomplished as described in Section 7 below.
- (3) Within ten (10) days after the granting of the ex parte order of protection, hold a hearing to determine whether the order should be vacated, extended or modified in any respect.
- (4) If an ex parte order is not granted, serve notice to appear upon both parties and hold a hearing on the petition for order of protection within seventy-two (72) hours after the filing of the petition. Provided that, if notice of hearing cannot be personally served within seventy-two (72) hours, the parties shall be served by posted notice, and the court shall hold a hearing on the petition within ten (10) days after the filing of the

petition.

- (5) At this hearing, whether or not an ex parte order is granted, the court may refer both Petitioner and Respondent to a domestic violence program and alcohol/drug counseling as appropriate.

(C) Contents of an Order of Protection.

An ex parte order of protection or an order of protection entered after notice and hearing shall, when deemed appropriate by the Court, include provision:

- (1) Restraining the respondent from committing any acts of domestic violence.
- (2) Excluding the respondent from the residence of the victim, whether or not the respondent and the victim share that residence.
- (3) Restraining the respondent from any contact with the victim.
- (4) Awarding temporary custody or establishing temporary visitation rights with regard to minor children of the parties on a basis which gives primary consideration to the safety of the claimed victim of domestic violence and the minor children.

If the court finds that the safety of the claimed victim or the minor children will be jeopardized by unsupervised or unrestricted visitation, the court shall set forth conditions or restrict visitation as to the time, place, duration, or supervision, or deny visitation entirely, as needed, to guard the safety of the claimed victim and the minor children.

- (5) Ordering child support and temporary support for the person having

- custody of the children, in amounts deemed proper by the Court.
- (6) Ordering temporary guardianship for a decisionally incapacitated adult or temporary care for a disabled victim of domestic violence.
  - (7) Awarding temporary use and possession of property of the respondent.
  - (8) Restraining one or both parties from transferring, encumbering, concealing, or disposing of property except as authorized by the Court and requiring that an accounting shall be made to the Court for all such transfers, encumbrances, dispositions, and expenditures.
  - (9) Ordering the respondent to timely pay any existing debts including mortgage or rental payments, necessary to maintain the claimed victim in his/her residence.
  - (10) Describing any-prior orders of the Court relating to domestic matters which are superseded or altered by the order of protection.
  - (11) Notifying the parties that the willful violation of any provision of the order constitutes contempt of court punishable by a fine or imprisonment or both and constitutes a violation of this Code for which civil penalties may be assessed.
  - (12) Ordering, at the Court's discretion, any other lawful relief it deems necessary for the protection of any claimed or potential victim of domestic violence, including orders or directives to the Pueblo of ~~\_\_\_\_\_~~ Tribal Police Department.

(D) **Duration and Modification of Order of Protection.**

- (1) The provisions of the order shall remain in effect for the period of time stated in the order, not to exceed twelve (12) months unless modified by the Court at the request of any party or at the request of the Director of Social Services.
- (2) Either party or the Director of Social Services may request a hearing to modify an order of protection.

(E) **Full Faith and Credit Given to Protection Orders.**

- (1) Full faith and credit shall be given to all orders issued under this Code pursuant to 18 U.S.C. section 2265.

**SECTION 4. CRIME OF DOMESTIC VIOLENCE.**

- (A) Any person who shall knowingly commit an act of domestic violence as defined by Section 2 of this Chapter shall be deemed guilty of the offense of domestic violence and upon conviction thereof shall be sentenced to confinement not to exceed twelve months and/or to a fine not to exceed One Thousand Dollars (\$1000.00) or to both such confinement and fine. The Court in its discretion may order community service in lieu of some or all of the confinement or fine, but not in lieu of counselling.
- (B) In addition to or in lieu of the imposition of such confinement and/or fine the court shall order the person convicted of the offense of domestic violence to participate in a domestic violence treatment program, as provided in Section 6 (D)

of this Chapter.

- (C) Prosecution for the offense of domestic violence shall not preclude prosecution for any offense under the Pueblo of ~~\_\_\_\_\_~~ Tribal Code arising from the same circumstances.

#### SECTION 5. MANDATORY ARREST.

- (A) A police officer shall arrest an alleged perpetrator or perpetrators of domestic violence of any age, if any arrest warrant has been issued, or without a warrant if the offense occurs in the presence of the officer or if the officer has probable cause to believe that the person to be arrested has committed domestic violence, without regard to any other requirements imposed by the ~~\_\_\_\_\_~~ Law & Order Code. If the conditions for arrest established by this Section are present, the officer shall arrest the alleged perpetrator of domestic violence whether or not the alleged victim signs a complaint and whether or not the arrest is against the expressed wishes of the alleged victim.
- (B) Whenever a police officer investigates an allegation of domestic violence, whether or not an arrest is made, the officer shall make a written incident report of the alleged abuse and submit that report to the Director of Social Services.
- (C) In all domestic violence arrests, after notifying the alleged perpetrator of his/her rights, if the alleged perpetrator consents, a police officer or criminal investigator shall interview the alleged perpetrator within 24 hours after the arrest.

- (D) Immediately following a domestic violence arrest, the police officer shall advise all known victims of the availability of Domestic Violence Treatment Programs and shall give the victims cards describing their legal rights and available services. Upon request of the victim, the police officer shall provide or arrange for transportation of the victim to a medical facility or a place of shelter.
- (E) Upon an arrest of an alleged perpetrator under this section, the arresting police officer shall forthwith file with the court a criminal complaint and an affidavit or a written report of the alleged abuse.
- (F) Whether or not the alleged perpetrator has been arrested, the Clerk of the Court, the Governor or his designee, or the Director of Social Services shall assist the alleged victim or other appropriate person in the preparation and filing of a petition under Section 3 of this Chapter.
- (G) The Pueblo of  Tribal Police Department shall develop and maintain a protocol for implementation of its obligations under this Chapter.
- (H) Any alleged perpetrator arrested under this section shall be held in custody for a period not less than twelve (12) hours, or such longer period as is necessary to conduct a hearing or as determined by the Court, as a mandatory "cooling off" period. Prior to the hearing, the alleged perpetrator shall not be released on bail or on his/her own recognizance.

**SECTION 6. SPECIAL COURT RULES.**

In addition to the rules of court generally applicable to criminal proceedings, the Court is authorized to take the following actions in a proceeding involving alleged domestic violence offenses.

- (A) The Court shall notify all parties of their right to disqualify the judge from the proceedings upon request. No grounds for disqualification need be stated. Upon request for disqualification, the judge must immediately notify the pro tem judge, who shall assume jurisdiction of the matter.
- (B) At the hearing, if the alleged perpetrator is to be released from custody, the Court, in its discretion and as a condition of release, may issue an order for protection temporarily excluding the alleged perpetrator from the home of the alleged victim and restraining the alleged perpetrator from any contact with the alleged victim.
- (C) If the alleged perpetrator pleads guilty, a pre-sentence report may be ordered at the discretion of the court prior to sentencing.
- (D) If it appears to the Court that alcohol or drugs played a part in the abuse, a chemical dependency evaluation with a treatment plan may be ordered, at the discretion of the court, prior to sentencing.
- (E) Upon a guilty plea or conviction, the perpetrator shall be ordered to participate in an appropriate domestic violence program consisting of at least the following:
  - (I) The perpetrator shall attend and cooperate in an intake session for evaluation.

- (2) The evaluation shall be completed by the domestic violence program not later than 10 calendar days after entry of the order requiring evaluation, unless the Court extends that time period.
  - (3) A copy of the evaluation and recommended treatment plan shall be provided to the Court.
  - (4) In the discretion of the Court, the perpetrator's participation in treatment sessions based on the domestic violence program's treatment plan may be in lieu of confinement and/or fine, or the execution of any such penalty may be suspended pending completion of the treatment ordered by the Court.
  - (5) The Director of Social Services or other service provider shall submit progress reports to the court at first contact, after six (6) weeks, upon completion of treatment or whenever problems arise.
- (F) Willful failure or refusal to comply with the Court order requiring a perpetrator to attend and cooperate in evaluation and/or to undergo treatment as described in the treatment plan shall constitute contempt of court. If the Court has suspended execution of any penalty imposed under Section 6 of this Chapter on the condition that the perpetrator undergo court-ordered evaluation and/or treatment, the Court may also order execution of any such suspended sentence.
- (G) Any written statement made by the alleged victim under oath and signed by the victim which describes the alleged acts of domestic violence shall not be

considered inadmissible hearsay evidence, but shall be admissible in any proceeding related to a prosecution under Section 4 of this Chapter.

### **SECTION 7. SERVICE OF ORDER OF PROTECTION.**

Orders of protection are to be served personally upon the respondent by a police officer. If the respondent cannot be located, the order will be mailed by certified mail to the respondent's last known address and notice will be posted at the  Governor's Office.

### **SECTION 8. ASSISTANCE OF POLICE DEPARTMENT IN SERVICE OR EXECUTION OF ORDER OF PROTECTION.**

When an order of protection is issued, upon request of the petitioner, the Court shall order the police to accompany and assist any claimed victim of domestic violence in taking possession of the claimed victim's residence or otherwise to assist in execution of the order.

### **SECTION 9. RIGHT TO APPLY FOR RELIEF.**

A person's right to apply for relief under Section 3 of this Chapter or to file a criminal complaint under Section 4 of this Chapter shall not be affected by his/her leaving the residence or household to avoid abuse.

### **SECTION 10. COPY TO LAW ENFORCEMENT AGENCY.**

Each order of protection granted pursuant to Section 3 of this Chapter and each order issued under Section 4 of this Chapter shall be forwarded by the Court Clerk immediately to the

Pueblo of ~~██████████~~ Tribal Police Department. The Police Department shall make available to each officer information as to the existence and status of any such orders.

**SECTION 11. VIOLATION OF COURT ORDERS - MANDATORY ARREST.**

- (A) Willful violation of an order issued under Section 3 or Section 6 of this Chapter shall constitute contempt of court punishable as provided in the Pueblo of ~~██████████~~ ~~██████████~~ Law & Order Code.
- (B) A police officer shall arrest without a warrant and take into custody any person whom the police officer has probable cause to believe has willfully violated an order issued under Section 3 or Section 6 of this Chapter.
- (C) All provisions of an order issued under Section 3 or Section 6 of this Chapter shall remain in full force and effect until the Order terminates or is modified by the Court. Violation of the order, including any prohibition against entering a residence, is not excused by the consent or permission of the alleged victim or any other person.
- (D) Any person who knowingly violates an order issued under Section 3 of the Code may, after notice and hearing, be assessed a civil penalty in an amount not to exceed \$500.

**SECTION 12. REPORTING DOMESTIC VIOLENCE.**

- (A) Any physician, nurse, school teacher, psychologist, social worker, probation

officer, community health representative, or any other person knowing or suspecting that domestic violence is occurring or has occurred shall report the matter orally and immediately by telephone or otherwise to the Pueblo of [REDACTED] Tribal Police Department, the tribal sheriff, the Governor or his designee or the Director of Social Services. Failure to report may result in a citation for contempt of court.

- (B) Any person, including individuals, corporations, governmental entities and their agents, who in good faith makes or participates in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, which might otherwise arise from making that report, and shall have the same immunity with respect to participation to any court proceeding resulting from such a report.
- (C) Any person who shall make a report of domestic violence knowing that the facts reported are false or misleading may, after notice and hearing, be assessed a civil penalty in an amount not to exceed \$500.

### **SECTION 13. LIABILITY.**

No police officer shall be held criminally or civilly liable for making an arrest authorized by this Chapter, provided he/she acted in good faith and without malice.

### **SECTION 14. CONFIDENTIALITY.**

The Director shall keep statistical data concerning incidents of elder abuse or neglect and present these reports to the Tribal Court on request but at least annually.

## SECTION 15. SEVERABILITY.

If any part or parts, or the application of any part, of this Chapter is held invalid, such holding shall not affect the validity of the remaining parts of this Chapter. The Tribal Council hereby declares that it would have passed the remaining parts of this Chapter even if it had known that such part or parts or application of any part thereof would be declared invalid.

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212

17

**TITLE 5A**  
**NATION CODE OF LAWS**  
**DOMESTIC VIOLENCE CODE**

**Chapter 5A. 01 General Provisions**

**5A.01.010 Purpose.**

The purpose of this Code is to insure the safety and protection of victims, to insure the right of the public to a safe and secure community, to protect the community from the effects of violent acts, and to insure that whenever an offense of Domestic Violence occurs, the offender incurs an obligation to the community. This Code recognizes that Domestic Violence comes in many forms, including, but not limited to, physical, psychological/emotional and sexual abuse, of a child, spouse, sibling, parent or of an elder. This Code shall be interpreted and followed to give effect to these purposes.

**5A.01.020 Jurisdiction.**

Jurisdiction to make arrests or detain offenders for violations of this Code shall apply to all persons within the boundaries of the [redacted] Reservation. The [redacted] Tribal Court shall retain jurisdiction over members of federally-recognized Indian tribes for violations of Orders of Protection entered pursuant to this Code which are alleged to have occurred outside of the boundaries of the [redacted] Reservation, where such orders are entitled to recognition outside reservation boundaries either as a matter of comity or full faith and credit.

**5A.01.030 Severability.**

If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of this Code, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Code are declared to be severable.

**5A.01.040 Definitions--purpose.**

The purpose of this section is to provide definitions which will insure that this code has the broadest possible scope, with regard to the people, relationships, and actions involved, and to provide definitions of legal terms in order to promote understanding and use of this code.

- (a) "Advocate" means an employee of or volunteer for a program for victims of domestic violence who:
  - (1) Has a primary function of rendering advice, counseling or assistance to victims of domestic violence, supervising the employees or volunteers of the program, or administering the program.
  - (2) Has undergone 30 hours of initial training.
  - (3) Works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program.

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

- (b) "Crime involving domestic violence" means one or more of the following crimes when committed by a family or household member against another family or household member:
- (1) Offenses listed under 18 U.S.C. § 1153, the Major Crimes Act as now or hereafter amended: murder, manslaughter, kidnapping, maiming, felony sexual abuse under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and felony theft under section 661 of Title 18.
  - (2) Offenses listed under the [REDACTED] Law and Order Code, Title 5, as now or hereafter amended: assault, assault and battery, abductions, subjection to maltreatment, malicious mischief, trespass, and disobedience to lawful orders of court, when the order was entered for the purpose of protecting a victim of alleged domestic violence.
  - (3) Offenses listed under [REDACTED] Law and Order Code, Title 5.9C, Sexual Offenses, as now or hereafter amended.
- (c) "Domestic Violence" means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense:
- (1) Attempting to cause or causing physical harm to another family or household member.
  - (2) Attempting to commit or committing a crime involving domestic violence against another family or household member.
  - (3) Placing a family or household member in reasonable fear of physical harm to him or herself or another family or household member. This fear may be produced by behavior which induces fear in the victim, including, but not limited to, harassment, stalking, destruction of property, or physical harm or threat of harm to household pets.
  - (4) Causing a family or household member to engage involuntarily in sexual activity by force, threat of force or duress.
- (d) "Ex parte" when used in connection with proceedings or orders of the court under this code, means that only the requesting party is heard by the court, and that notice and an opportunity to contest the facts are not available to the party adversely affected.
- (e) "Family or household members" include:
- (1) Persons who are current or former spouses.
  - (2) Persons who live together or who have lived together at any time.
  - (3) Persons who are dating or who have dated.

- (4) Persons who are engaged in or who have engaged in a sexual relationship.
  - (5) Persons who are related by blood or adoption.
  - (6) Persons who are related, or who are formerly related, by marriage.
  - (7) Persons who have a child in common, regardless of whether they have been married or lived together.
  - (8) Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.
  - (9) Minor children, either legal or biological, of a person in a relationship that is described in 1 through 7 above.
- (f) "Probable Cause" is a legal standard used by law enforcement officers, officers of the court, attorneys and advocates to provide guidance on when there are enough facts and circumstances present, in a given situation, to justify arrest of a suspect by a law enforcement officer.

#### **Chapter 5A.02 Law Enforcement Response and Duties**

##### **5A.02.010 Duties of law enforcement officer to victim of domestic violence.**

- (a) A law enforcement officer who responds to an allegation of domestic violence or a crime involving domestic violence shall use all reasonable means to protect the victim and prevent further violence, including, but not limited to:
- (1) Taking necessary actions to provide for the safety of the victim and any family or household member, including arrest of an alleged perpetrator or primary physical aggressor, and moving a victim at his or her request.
  - (2) Confiscating any weapon involved in the alleged domestic violence.
  - (3) Transporting or obtaining transportation for the victim and any child to a shelter, at the victim's request.
  - (4) Assisting the victim in removing essential personal effects, regardless of ownership, at the victim's request.
  - (5) Assisting the victim and any child in obtaining medical treatment, including obtaining transportation to a medical facility.
  - (6) Giving the victim immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic violence.

- (b) As part of the notice required in (a) 6 above, the law enforcement officer shall give a written notice to the adult victim which substantially informs him or her that:

"If you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety. The officer can assist you to:

- (1) Ask for an Emergency Order of Protection.
- (2) Gather up essential personal effects, regardless of ownership.
- (3) Locate a safe place and take you there. The officer may take you to a shelter, the residence of a friend or family member, any other place of safety, or a meeting place where someone else can transport you to a safe place.
- (4) Receive medical treatment.
- (5) Receive a copy of the officer's report, from the Law and Order Department at no cost.
- (6) Contact the office for Victims of Crime Assistance or other advocate services for immediate assistance.

- (c) You may request that the Prosecutor file a criminal complaint. You also have the right to file a petition in Tribal Court requesting an Order of Protection from domestic or family violence. An Order of Protection may include specific orders of the court, to your abuser or for your welfare, including any of the following:

- (1) Order to not commit or threaten to commit further acts of domestic violence.
- (2) Order to not contact you, harass, annoy, telephone or otherwise communicate with you, either directly or indirectly.
- (3) Order removing your abuser from your residence, regardless of who owns the residence.
- (4) Order to stay away from your residence, school, place of employment, or any other specific place you or another family or household member frequently go.
- (5) Order prohibiting the possession or use of any firearm or other weapon specified by the court, and requiring that such weapon be turned in to law enforcement.
- (6) Temporary order granting you possession and use of the automobile and other essential personal items and property, regardless of ownership.
- (7) Temporary order granting you custody of your child or children.

- (8) Temporary order denying your abuser visitation with your child or children.
  - (9) Order making specific requirements for visitation, including supervised visitation.
  - (10) Order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses or to maintain existing medical insurance coverage, expenses for shelter, court costs and attorney's fees.
- (d) The forms you need to obtain an Order of Protection are available from the clerk at the Tribal Court, or from any of the resources listed below, which are available to members of the community who are victims of domestic violence. No fees are required for an Order of Protection.
- (1) For treatment of injuries:  
 [REDACTED] Tribal Health Center (Mon. - Fri., 8:00 a.m. - 5:00 p.m.):  
 (360) 384-0464
  - (2) Places of safety and shelters: Help Line (24-hour): (360) 384-2285
- (e) You also have the right to request payment for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or financial support, and other expenses for injuries sustained and damage to your property. This request can be made, without an attorney, by filing a complaint in the Tribal Court."

**5A.02.020 Duty of law enforcement officer to insure evidence preserved-- purpose.**

- (a) The purpose of this section is to assist in the prosecution of perpetrators of alleged domestic violence or crimes involving domestic violence, recognizing that victims are often reluctant to press charges or testify at subsequent hearings for many reasons, including but not limited to economic factors, and emotional and psychological factors related to patterns of victimization.
- (b) A law enforcement officer who responds to an allegation of domestic violence or a crime involving domestic violence shall take reasonable steps to collect sufficient evidence to enable the prosecutor to secure a conviction of the perpetrator without the testimony of any victim. Reasonable steps include, when appropriate, photographs of injuries to any victim, of damage to property and of the location and surroundings of the alleged incident.
- (c) A law enforcement officer who responds to an allegation of domestic violence or a crime involving domestic violence shall encourage any victim to make a statement concerning the incident, to sign it, and shall take one from any perpetrator, if possible.
- (d) A law enforcement officer who responds to an allegation of domestic violence or a crime involving domestic violence shall insure that the victim is made aware of the importance of preserving evidence of the incident.

**5A.02.030 Mandatory arrest for domestic violence or crimes involving domestic violence--purpose--determination of primary physical aggressor--required report.**

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- (a) The purpose of mandating arrest of perpetrators in all instances where an officer determines that there is probable cause to conclude that domestic violence or a crime involving domestic violence has occurred is to provide victims with immediate protection from the current violence, afford them an opportunity to consider legal options, to provide victims with time to safely relocate or obtain an order of protection, and to insure an adequate and prompt law enforcement response to domestic violence.
- (b) A law enforcement officer shall, without a warrant, arrest a person and charge him or her with the appropriate crime if the officer has probable cause to believe that the person has committed domestic violence or a crime involving domestic violence within the previous four (4) hours. The officer's duty to make an arrest upon probable cause is not lessened even though it may be against the expressed wishes of the victim.
- (c) If a law enforcement officer receives a complaint alleging domestic violence or a crime involving domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was more likely to have been the primary physical aggressor. In determining whether a person was the primary physical aggressor, the officer shall consider:
  - (1) Prior complaints of domestic violence.
  - (2) The relative severity of the injuries inflicted on each person.
  - (3) The likelihood of future injury to each person.
  - (4) Whether one of the persons acted in self-defense.
- (d) If a law enforcement officer determines that one person was the primary physical aggressor, the officer need not arrest the other person, even if the officer has probable cause to believe that the other person has committed domestic violence or a crime involving domestic violence against the primary physical aggressor.
- (e) A law enforcement officer shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party.
- (f) In addition to any other report required, a law enforcement officer who does not make an arrest, or who arrests two or more persons, after investigating a complaint of domestic violence or a crime involving domestic violence, must submit a detailed written report stating why the officer either did not make an arrest, or arrested two or more parties.

- (g) The law enforcement officer shall forward the offense report to the prosecutor within five (5) days of the incident if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

**5A.02.040 Law enforcement officer duties to request and upon receiving telephonic emergency order of protection.**

- (a) When a law enforcement officer has probable cause to believe that domestic violence or a crime involving domestic violence has occurred, and the victim requests immediate protection, and a judge is not available to hear a request for an emergency order of protection in person, the officer may contact the judge by telephone to hear the request, and the officer shall state the grounds for making the request.
- (b) A law enforcement officer who receives authorization from the court, by telephone, to carry out an emergency order of protection shall:
- (1) Write and sign the order as directed by the court.
  - (2) Immediately provide the petitioner with a copy of the order, and assist the petitioner in securing any items of property he or she is entitled to under the terms of the order.
  - (3) Serve a copy on the respondent.
  - (4) Provide the order to the court by the end of the next judicial day.

**5A.02.050 Law enforcement officer duty to expedite service for orders of protection.**

The Law and Order Department shall insure that law enforcement officers provide expedited service for orders of protection.

**5A.02.060 Authority of law enforcement officer to seize and hold weapons.**

- (a) Incident to an arrest for domestic violence or a crime involving domestic violence, a law enforcement officer shall seize all weapons that are alleged to have been involved, or were threatened to be used, in the commission of a crime.
- (b) The officer may also seize a weapon that is in the plain view of the officer, or was discovered pursuant to a consensual search or a search incident to arrest as necessary for the protection of the officer or other persons.
- (c) Law enforcement officers are authorized to confiscate weapons from a person who is prohibited from possessing or using them.
- (d) Law enforcement officers are also authorized to accept and hold weapons for safekeeping for a person who is prohibited from possessing or using them.

**5A.02.070 Mandatory arrest for certain violations of an order of protection.**

When a law enforcement officer has probable cause to believe that a respondent has violated one of the following orders of the court, and the officer has verified the existence of the order, the officer shall, without a warrant, arrest the alleged violator. Arrest shall be mandatory where the violation is of one of the following:

- (a) Order to not commit or threaten to commit further acts of domestic violence.
- (b) Order to not contact the petitioner, harass, annoy, telephone or otherwise communicate with the petitioner, either directly or indirectly.
- (c) Order removing the respondent from the petitioner's residence.
- (d) Order to stay away from petitioner's residence, school, place of employment, or any other specific place petitioner or another family or household member frequently go.
- (e) Order prohibiting the possession or use of any firearm or other weapon specified by the court.

**5A.02.080 Mandatory arrest for violation of conditions of release.**

If a law enforcement officer has probable cause to believe that a person has violated a condition of release, imposed by the court, from arrest or detention for allegedly committing domestic violence or a crime involving domestic violence, and the officer verifies that the alleged violator has notice of the conditions of release, the officer shall, without a warrant, arrest the alleged violator.

**5A.02.090 Law enforcement records on domestic violence to be identifiable.**

Written records of arrests by, and incident reports filed by law enforcement officers, which are kept by the Law and Order Department, shall be made identifiable by means of a departmental code for domestic violence.

**5A.02.100 Liability of law enforcement officers.**

A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this Code arising from alleged domestic violence or a crime involving domestic violence brought by any party.

**Chapter 5A.03 Order of Protection - Civil Process**

**5A.03.010 Purpose.**

The purpose of this chapter is to provide victims of domestic violence with a process for obtaining orders of protection independent of contacting law enforcement officers to report a crime. Petitioners applying for orders of protection should be referred to law enforcement in the event that an unreported crime has been committed. The purpose of authorizing orders of protection to be issued without prior notice to the respondent is to insure the immediate protection of the petitioner and any family or household member, and to prevent further violence, and orders may

be modified or extended, with or without either notice to the respondent or a hearing, consistent with this purpose.

**5A.03.020 Filing a petition for an order of protection--who may file.**

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- (a) Any person who alleges that he or she is or has been a victim of domestic violence may file a petition for an order of protection.
- (b) A person may petition for relief on his or her own behalf, and on behalf of any family or household members under the age of eighteen (18) years.
- (c) Family or household members, including adults, may jointly file a single petition.
- (d) Persons under the age of fourteen (14) years must have a parent, guardian or other family or household member file the petition unless the parent, guardian or other family or household member is the alleged abuser, in which case an adult relative, friend or other representative may file on behalf of the minor.

**5A.03.030 Filing a petition for an order of protection or to modify an existing order--contents.**

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A petition for an order of protection from domestic violence, or to modify an existing order of protection shall include:

- (a) The name and address where the petitioner would like to receive notices from the court.
- (b) An allegation that domestic violence or a crime involving domestic violence has taken place.
- (c) The names and ages of all persons known to the petitioner to be in need of protection.
- (d) The name, address and age of the alleged abuser, and his or her relationship to each victim.
- (e) A signed statement, or separate affidavit filed with the petition, stating in the petitioner's own words, the specific facts and circumstances of the alleged domestic violence, including whether the petitioner believes him or herself to be in immediate danger of further domestic violence, and if applicable, what modifications to the existing order the petitioner is requesting, and why the changes are necessary.
- (f) A statement listing each civil or criminal action or proceeding, past and present, involving both parties, the court of record for the action or proceeding, and any additional identifying information which may enable the court to access court dockets, charges, pleadings, outcomes and the issuance of any civil or criminal restraining orders.

**5A.03.040 Emergency order of protection--when available--issuing--contents-expiration.**

- (a) The court shall insure that a judge or other authorized person designated by the court is available to hear petitions or requests for an emergency order of protection twenty-four (24) hours a day, seven (7) days per week.
- (b) The court may issue a written or telephonic emergency order of protection, without notice to an alleged perpetrator of domestic violence or a crime involving domestic violence, when a law enforcement officer or the petitioner states to the court in person or by telephone, and the court finds reasonable cause to believe, that the petitioner is in immediate danger of domestic violence based on an allegation of a recent incident of domestic violence or a crime involving domestic violence committed by a family or household member.
- (c) The court may issue, upon its own motion, a written or oral emergency order of protection, without notice to an alleged perpetrator of domestic violence or a crime involving domestic violence, when it appears to the court, upon review of a petition for an order of protection from domestic violence, that the court has reasonable cause to believe that the petitioner is in immediate danger of domestic violence, based on an allegation of a recent incident of domestic violence or a crime involving domestic violence committed by a family or household member.
- (d) The court may grant the following relief in an emergency order of protection:
  - (1) Order the respondent to not commit or threaten to commit further acts of domestic violence.
  - (2) Order the respondent to not contact, harass, annoy, telephone or otherwise communicate with the petitioner, either directly or indirectly.
  - (3) Order removing the respondent from the petitioner's residence, regardless of ownership of the residence.
  - (4) Order the respondent to stay away from the petitioner's residence, school, place of employment, or any other specific place petitioner and any designated family or household member frequently go.
  - (5) Order granting the petitioner possession and use of an automobile and other essential personal items and property, regardless of ownership, and direct law enforcement to accompany the petitioner to the residence of the parties to insure that the petitioner is able to safely retrieve such items, or to supervise the respondent or petitioner in removing personal property.
  - (6) Order granting the petitioner temporary custody of a child or children.
  - (7) Order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member.

- (e) An emergency order of protection expires ten (10) days after issuance, unless criminal charges are filed against the respondent by the prosecutor, or unless a hearing is scheduled by the court with notice to the respondent.
- (f) Following entry of an ex parte emergency order of protection, the court shall:
  - (1) Set a date for a hearing to be held within three (3) days after entry of an emergency order of protection that grants relief set forth in 5A.03.040 (c) 3, 4, 5, or 6.
  - (2) Cause the order to be delivered to the Law and Order Department for enforcement purposes and for service upon the respondent.
  - (3) Transmit a copy of the order to any additional, appropriate law enforcement agencies or other agencies designated by the petitioner.
  - (4) Make reasonable efforts to insure that the order of protection is understood by the petitioner.

**5A.03.050 Order of protection--issuing--contents--expiration.**

- (a) If it appears from a petition for an order of protection or a petition to modify an order of protection that domestic violence has occurred, or a modification of an order is required, the court may:
  - (1) Immediately issue or modify an order of protection ex parte, without notice or a hearing, as deemed necessary to protect the petitioner.
  - (2) Upon notice to the parties and after a hearing, issue or modify an order of protection whether or not the respondent appears.
- (b) The court may, without notice and a hearing, issue or modify an order of protection ex parte and grant the relief as set forth in 5A.03.040 (d) 1-7 above, and also order that the respondent's possession or use of any firearm or other weapon specified by the court is prohibited, and that the respondent is required to turn such items in to law enforcement for safekeeping.
- (c) A court may grant the following relief in an order of protection or modification of an order of protection, after notice and a hearing, whether or not the respondent appears:
  - (1) Grant the relief as set forth in 5A.03.040 (d) 1-7 above, and also order that the respondent's possession or use of any firearm or other weapon specified by the court is prohibited, and that the respondent is required to turn such items in to law enforcement for safekeeping.
  - (2) Specify arrangements for visitation of any minor child by the respondent, and require supervision of that visitation by a third party, or deny visitation if necessary to protect the safety of the petitioner or child.

- (3) Order the respondent to make the following payments to the petitioner, the court or to another party:
  - (A) Rent or mortgage on the petitioner's current residence, regardless of ownership.
  - (B) Support of the petitioner and minor child, if under the circumstances, the respondent is found to have a duty to support the petitioner or minor child.
  - (C) Reimbursement for any expenses associated with the domestic violence, including but not limited to medical expenses, counseling, shelter, and repair or replacement of damaged property.
  - (D) Costs and fees incurred by the petitioner in bringing the action, including attorney's fees.
  
- (d) If the court issues or modifies an order of protection under this section the court shall:
  - (1) Cause the order to be delivered to the Law and Order Department for expedited service to any of the parties who were not present. If the Law and Order Department cannot personally serve the respondent, the court shall complete service by certified mail, return receipt requested, to any address the petitioner believes may reasonably insure notice to the respondent, and by publication.
  - (2) Make reasonable efforts to insure that the order of protection, or modified order of protection is understood by the petitioner and the respondent, if present.
  - (3) Transmit a copy of the order of protection, or modified order of protection to any additional, appropriate law enforcement agencies or other agencies designated by the petitioner.
  
- (e) An order of protection issued pursuant to this Section is effective for up to one (1) year, or until further order of the court, and may be renewed or rescinded by the court prior to expiration, upon the petitioner's request and upon notice to the parties and after a hearing, whether or not the respondent appears.

**5A.03.060 Request to modify order by respondent.**

- (a) The purpose of this section is to allow the respondent with a means of requesting modification of an order of protection where such order either:
  - (1) Removes the respondent from a residence that he or she owns.
  - (2) Requires the respondent to stay away from the petitioner's residence, school, place of employment, or any other specific place petitioner or any designated family or household member frequently go.
  - (3) Grants the petitioner possession and use of an automobile and other essential personal items and property, regardless of ownership.

- (4) Grants the petitioner temporary custody of a child or children.
  - (5) Provides or denies the respondent visitation with a minor child or children.
  - (6) Requires the respondent to make any payments to the petitioner, the court or to another party.
- b) Upon receiving the respondent's request, the court shall set a hearing as soon as practicable, but in no event later than fourteen (14) days after the next day on which court is in session following the filing of the petitioner's request. Notice shall be sent to the petitioner that the respondent is seeking a modification of the order of protection.
  - c) The purpose of the hearing, requested by a respondent subject to an order of protection as set forth in (a), above, shall be for the court to consider whether any less restrictive alternatives may be appropriate under the circumstances. The court may modify an order pursuant to this section where the order works an unreasonable hardship upon the respondent, provided that the safety of the victim or any family or household member protected by the order remains the primary consideration.

#### **Chapter 5A.04 Tribal Court Response and Duties**

##### **5A.04.010 Conditions of pretrial release—written orders.**

- (a) When considering pretrial release of a person who is under arrest for, or being charged with, domestic violence or a crime involving domestic violence, the court shall review all available facts and reports concerning the arrest and detention of the person, and make a determination, on the record, if possible, on whether or not to release the person based on whether the person:
  - (1) Is a threat to the alleged victim or other family or household member.
  - (2) Is a threat to the safety of the community.
  - (3) Is reasonably likely to appear in court for a subsequent proceeding.
- (b) Before authorizing release of a person under arrest for, or being charged with, domestic violence or a crime involving domestic violence, the court shall consider imposing conditions of release or bail on the person in order to protect the alleged victim, and to insure the appearance of the person arrested or charged at a subsequent court proceeding. Conditions of release or bail may include:
  - (1) An order to not commit or threaten to commit acts of domestic violence against the alleged victim or other family or household member.
  - (2) An order to not contact, harass, annoy, telephone or otherwise communicate with the alleged victim, either directly or indirectly.

- (3) An order to vacate or stay away from the residence of the victim, even if it is a shared residence, or principally owned by the alleged perpetrator, and to stay away from any specific place the alleged victim or another family or household member frequently go.
  - (4) An order prohibiting the possession or use of any firearm or other weapon specified by the court, and to turn such weapon in to law enforcement for safekeeping.
  - (5) An order prohibiting the person from possession or consumption of alcohol or controlled substances.
  - (6) Any other order the court believes is reasonably necessary to protect and insure the safety of the alleged victim or family or household member, or to insure the appearance of the person at a subsequent court proceeding.
- (c) If conditions of release are imposed, the court shall:
- (1) Issue a written order for a conditional release.
  - (2) Immediately distribute a copy of the order to the Lummi Law and Order Department, or any other entity having custody of the arrested or charged person.
  - (3) Waive any requirement that the alleged victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence. The court may also order a criminal defense attorney not to disclose the victim's location to his or her client.
- (d) The written order releasing the person arrested for or charged with domestic violence shall contain the conditions of release imposed by the court and shall contain a prominent annotation, in either boldfaced type or capital letters, which substantially informs the released person that:
- "Violation of this order is a criminal offense and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate it. You have the sole responsibility to fully comply with all of the order's provisions. Only the court may change the order."
- (e) The court shall direct the [REDACTED] Law and Order Department, or any other entity having custody of the arrested or charged person, to provide a copy of the conditions of release to the arrested or charged person upon his or her release. Failure to provide the person with a copy of the conditions of release does not invalidate the conditions if the arrested or charged person has notice of the conditions.

- (f) If conditions of release are imposed without a hearing, the court shall hold a prompt hearing to review the conditions, upon the request of the arrested or charged person.
- (g) When a person who is arrested for or charged with domestic violence or a crime involving domestic violence is released from custody, the court shall direct the Lummi Law and Order Department, or any other entity having custody of the arrested or charged person to:
  - (1) Use all reasonable means to immediately notify the victim of the alleged crime that the person is being released.
  - (2) Furnish the victim of the alleged crime a copy, at no cost, of any conditions of release.

**5A.04.020 Duty of prosecutor to inform victim of rights--victim's rights in legal proceedings.**

- (a) Any person prosecuting domestic violence or a crime involving domestic violence shall notify the victim of his or her rights as set forth below.
- (b) A victim of domestic violence or a crime involving domestic violence is entitled to all rights granted to victims of crime including, but not limited to, the right to:
  - (1) Be informed of all hearing dates and continuances.
  - (2) A victim shall not be required to testify in person at any proceedings related to the incident, however, the victim may be present at sentencing and address the court, either in person or by a written statement.
  - (3) Provide the court with a statement either in person or in writing, on the impact that the incident or crime has had on the victim's health, welfare and the emotional impact of the incident or crime, a statement on the victim's opinion regarding the frequency of domestic violence or crimes involving domestic violence which involve the perpetrator, and the perceived risk of further harm.
  - (4) Advise the court on appropriate counseling and any other conditions of probation and parole that the victim believes should be required of the perpetrator in order to insure the safety and welfare of the victim and other family and household members.
  - (5) Request restitution for losses directly caused by any criminal conduct by the perpetrator.
  - (6) Be informed of how to apply for victims' compensation, and to apply for such funds.
  - (7) Receive notice from the prosecutor when:

- (A) an alleged perpetrator will not, for any reason, be prosecuted for alleged domestic violence, a crime involving domestic violence, or for violating an order of protection.
- (B) when the disposition of the case involves an agreement reached during plea bargaining.

**5A.04.030 Reasons for dismissal required in court file.**

- (a) When a prosecutor moves to dismiss charges against a defendant accused of domestic violence or a crime involving domestic violence, or when a court dismisses such charges, the specific reasons for the dismissal must be recorded in the court file.
- (b) If the motion for dismissal, or dismissal, is based on the unavailability of the alleged victim or any witness, the prosecutor shall indicate the specific reason why such person(s) are unavailable, and why the case cannot be prosecuted.

**5A.04.040 Dismissal of criminal case because of civil compromise prohibited.**

The court shall not dismiss a criminal case involving domestic violence or a crime involving domestic violence for the sole reason that a civil compromise or settlement is offered or reached.

**5A.04.050 Tribal court records on domestic violence to be identifiable.**

The court shall identify by any reasonable means, on docket sheets, those criminal actions arising from acts of domestic violence.

**5A.04.060 Tribal court records on domestic violence—confidentiality.**

The court shall take whatever steps are necessary to insure that a victim's address or location is kept confidential, and to prevent release of such information except at the victim's request, or with his or her consent.

**Chapter 5A.05 Special Rules of Court and Law Applicable  
in Domestic Violence Cases**

**5A.05.010 Expedited service of process in cases involving domestic violence.**

In any case where a perpetrator of alleged domestic violence or crime involving domestic violence cannot personally be served any type of notice required by this Code, and service of process must be effected by mail or publication, service shall be complete:

- (a) Upon delivery of the mail, for any form of mail requiring a return receipt signed by the addressee, unless returned by postal authorities because of the addressee's refusal to accept, in which case service is complete fourteen (14) days after mailing notice to the same address by first class mail.
- (b) Fourteen (14) days from the date of first publication, so long as the notice is published at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the vicinity of the ~~tribe~~ Indian Reservation.

**5A.05.020 Mediation in cases involving domestic violence.**

- (a) In any proceeding concerning the custody of, or visitation with a child, the court shall not order mediation or refer either party to mediation if an order of protection is in effect.
- (b) In any proceeding concerning the custody of, or visitation with a child, if there is an allegation of domestic violence, and an order of protection is not in effect, the court may offer mediation only if:
  - (1) Mediation is requested by the victim of the alleged domestic violence.
  - (2) Mediation is provided by a certified mediator, who is trained in domestic violence in a specialized manner intended to protect the safety of victims.
  - (3) The victim is permitted to have a supporting person of his or her choice, including but not limited to an attorney or advocate, in attendance at the mediation.

**5A.05.030 Spousal privileges not applicable in criminal proceedings involving domestic violence.**

The following evidentiary privileges do not apply in any criminal proceeding in which a spouse or other family or household member is the victim of domestic violence or an alleged crime involving domestic violence perpetrated by the other spouse:

- (a) The privilege of confidential communication between spouses.
- (b) The privilege to not testify against a spouse.

**5A.05.040 Advocate-victim privilege applicable in cases involving domestic violence—circumstances where privilege not available.**

- (a) A victim of domestic violence may refuse to disclose, and may prevent an advocate from disclosing, confidential oral communications between the victim and the advocate, and written records and reports concerning the victim when:
  - (1) The victim claims the advocate-victim privilege.
  - (2) The person who was the advocate at the time of the confidential communication claims the advocate-victim privilege.

The privilege extends to all oral and written communications between and by either the advocate or the victim, and encompasses all communications made in the course of the advocacy relationship, including those made in the presence of third parties also participating in the advocacy or other victim services .

- (b) An advocate may not claim the privilege if the privilege has been waived by the victim, or if the victim is deceased.

- (c) The advocate-victim privilege does not relieve a person from any mandatory duty to report child abuse imposed by federal or tribal law. A person may not claim the privilege when providing evidence in proceedings concerning child abuse.

**5A.05.050 Child custody and visitation proceedings--presumptions.**

- (a) In every proceeding where custody or visitation of a child is in dispute, a determination by the court that domestic violence has occurred raises a rebuttable presumption that it is detrimental and not in the best interest of the child to be placed in sole custody, joint legal custody or joint physical custody with the perpetrator of domestic violence.
- (b) In every proceeding where custody or visitation of a child is in dispute, a determination by the court that domestic violence has occurred raises a rebuttable presumption that it is in the best interest of the child to reside with the parent who is not a perpetrator of domestic violence, in the location of that parent's choice.

**5A.05.060 Child custody and visitation proceedings--factors in determining custody and visitation.**

- (a) In addition to other factors that a court must consider in a proceeding where custody or visitation of a child is in dispute, and the court has made a finding of domestic violence, the court shall also consider:
- (1) That the safety and well-being of the child and of the parent who is the victim of domestic violence is the primary concern.
  - (2) The perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury or assault to any other person.
- (b) If a parent is absent or relocates because of an act of domestic violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation.

**5A.05.070 Conditions of visitation in cases involving domestic violence.**

- (a) A court may award visitation by a parent who committed domestic violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic violence can be made.
- (b) In a visitation order, adequate provision for the safety of the child and the parent who is a victim of domestic violence may include but is not limited to an order that:
- (1) Exchange of a child is to occur in a protected setting.
  - (2) Visitation is to be supervised by another person or agency.
  - (3) The perpetrator of domestic violence is to attend and complete, to the satisfaction of the court, and as a condition of the visitation, a program of

counseling for perpetrators of domestic violence, or some other designated counseling.

- (4) The perpetrator of domestic violence is to abstain from possession or consumption of alcohol or controlled substances during the visitation and for twenty-four (24) hours preceding the visitation.
  - (5) The perpetrator of domestic violence is to pay a fee to defray the costs of supervised visitation.
  - (6) Overnight visitation is prohibited.
  - (7) The perpetrator of domestic violence is to post bond for the return and safety of the child.
  - (8) The perpetrator of domestic violence is to comply with any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, or any other family or household member.
- (c) Whether or not visitation is allowed, the court may order the address of the child and the victim to be kept confidential.
- (d) The court may refer, but shall not order, an adult who is a victim of domestic violence to attend counseling related to the victim's status or behavior as a victim, either individually or with the perpetrator of domestic violence as a condition of receiving custody of a child, or as a condition of visitation.
- (e) If a court allows a family or household member to supervise visitation, the court shall furnish clear guidelines to those persons related to their responsibility and authority during supervision, so they are better able to protect the child should the perpetrator engage in violent or intimidating conduct toward the child or adult victim in the course of visitation.

#### **Chapter 5A.06 Health, Social and Advocate Services Response and Duties**

##### **5A.06.010 Notice of rights of victims and remedies and services available--required information to be provided by [REDACTED] Tribal Health Center.**

- (a) The [REDACTED] Tribal Health Center shall make available to its staff, and to all its patients, a written notice of the rights of victims and of the remedies and services available to victims of domestic violence, as they are set forth in Section 5A.02.010 (b).
- (b) Any health care practitioner, who becomes aware that a patient is a victim of domestic violence, shall provide the patient with the notice in Section 5A.02.010 (b).

- (c) Written notice provided by the [REDACTED] Tribal Health Center, its staff or any health care practitioner, for general distribution to the public shall not include the addresses of shelters, unless the location is public knowledge.

**5A.06.020 [REDACTED] Tribal Health Center required to provide certain information to parents--purpose.**

- (a) The purpose of this Section, as a first step in the process of providing essential safeguards and services for families, is to avert the trauma of domestic violence and child abuse in families, by informing parents, particularly of new or young families, about domestic violence, and the community and health care systems which are available for support and assistance.
- (b) The [REDACTED] Tribal Health Center shall provide information concerning domestic violence to parents of both newborn infants and hospitalized minors. The information must include but is not limited to the effect of domestic violence on children, and available services for the prevention and treatment of domestic violence.

**5A.06.030 Child abuse investigatory services response and duties.**

- (a) Any person or entity performing child abuse investigatory services within the Lummi Nation shall follow written procedures for screening each referral for abuse or neglect of a child to assess whether abuse or neglect of another family or household member is also occurring. The assessment shall include but is not limited to:
- (1) Inquiry concerning incidents of violence in the criminal record of the parents, and the alleged abusive or neglectful person, and the alleged perpetrator of domestic violence, if such person is not a parent of the child.
  - (2) Inquiry concerning the existence of orders for protection issued to either parent.
- (b) If it is determined in an investigation of abuse or neglect of a child that:
- (1) The child or another family or household member has been or is a victim of domestic violence, or is threatened by acts of domestic violence, and it reasonably appears to the person conducting the investigation that the child or another family or household member is in danger of domestic violence and that removal of one of the parties is necessary to prevent the abuse or neglect of the child, the responsible person or entity, shall seek the removal of the alleged perpetrator.
  - (2) A parent of the child is a victim of domestic violence, services must be offered to the victimized parent and the provision of such services must not be contingent upon a finding that either parent is at fault or has failed to protect the child.

**5A.06.040 Liability of Health, Social and Advocate Services Staff.**

Health, Social and Advocate Services staff shall not be held liable in any civil action for any action or omission in good faith under this Code arising from alleged domestic violence or a crime involving domestic violence brought by any party.

## Chapter 5A.07 Enforcement of Foreign Orders

### 5A.07.010 Purpose.

The purpose of this Chapter is to insure compliance with the Full Faith and Credit provision of the Violence Against Women Act of 1994 (V.A.W.A.) as set forth in Title 18 of the United States Code, section 2265 (18 U.S.C. § 2265), as now or hereafter amended, and to insure the safety of victims of domestic violence and crimes involving domestic violence, who are located within the jurisdiction of the ██████ Nation, by giving effect to Orders of Protection which fall within the scope of that Act.

### 5A.07.020 Full faith and credit for foreign orders of protection--definition-- review by Tribal Court--exceptions.

(a) For purposes of this chapter, an "order of protection" means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders), however obtained, so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

(b) Any order of protection, except as noted in (c) below, issued by a court of any Indian tribe or State of the United States, the District of Columbia, a commonwealth, territory or possession of the United States, shall be accorded full faith and credit by the Tribal Court of the ██████ Nation, and shall be enforced as if it were an order of the Tribal Court, if both:

- (1) The issuing court had jurisdiction over the parties and the matter at the time the order was issued.
- (2) The issuing court gave reasonable notice and an opportunity to be heard to the person the order is issued against, sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard were given within a reasonable time after the order is issued.

(c) A foreign order of protection entered against both a plaintiff and a respondent shall not be enforceable against the plaintiff unless both:

- (1) The defendant filed a cross or counter petition, complaint or other written pleading seeking such a protection order.
- (2) The issuing court made specific findings of domestic violence or a crime involving domestic violence against both the plaintiff and defendant and determined that each party was entitled to such an order.

### 5A.07.030 Filing foreign orders of protection--presumption of validity--procedures.

(a) A plaintiff who obtains a valid order of protection from another Indian tribe or State of the United States, the District of Columbia, a commonwealth, territory or possession of

the United States may file that order by presenting a certified copy of the foreign order of protection to a clerk of the [REDACTED] Tribal Court.

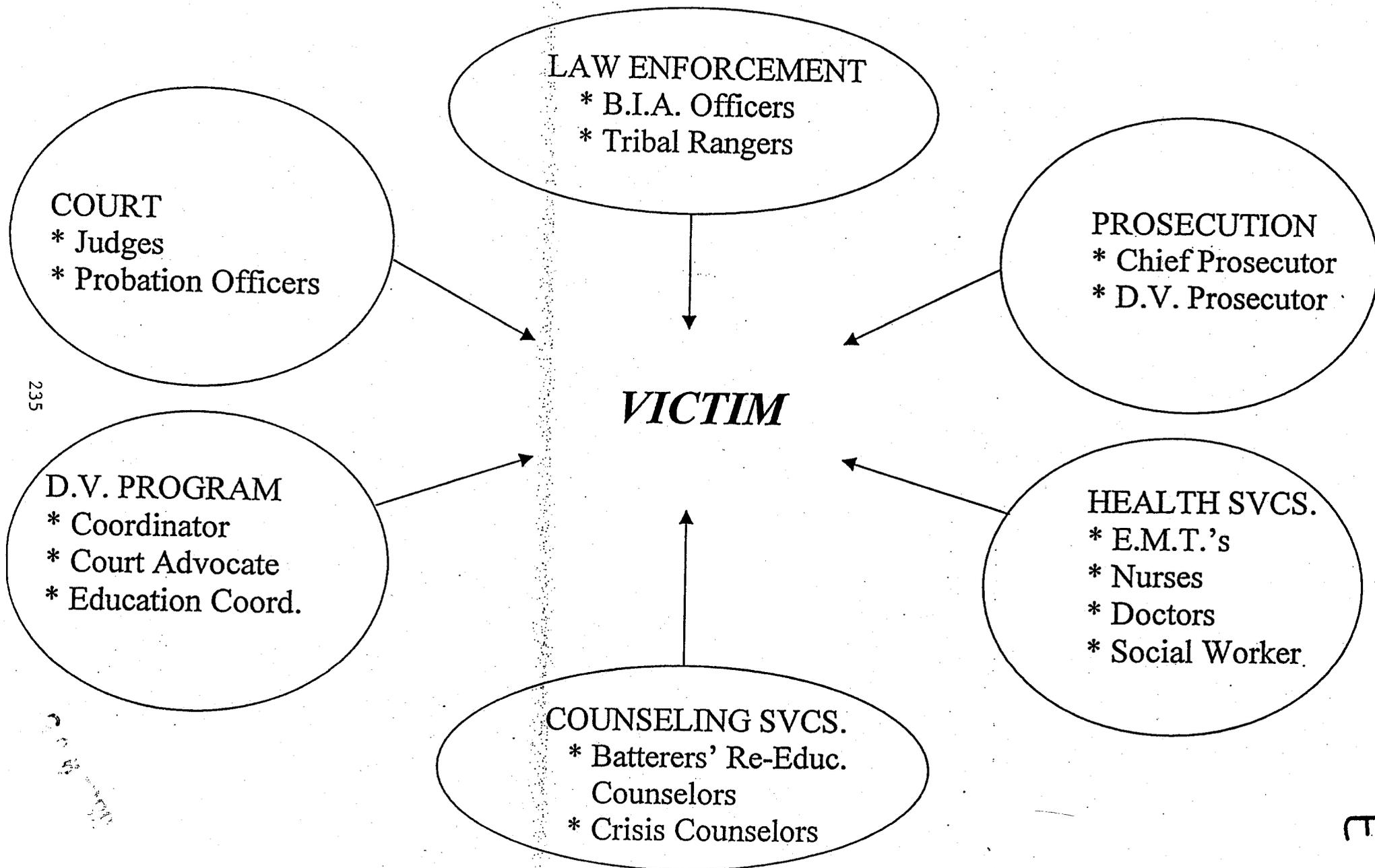
- (b) There shall be a presumption in favor of validity where a foreign order of protection appears authentic on its face.
- (c) Filing of a foreign order of protection shall be without fee or cost.
- (d) Upon receipt of a foreign order of protection, the tribal court clerk shall:
  - (1) Forward a copy of the foreign order of protection to an officer of the Law and Order Department.
  - (2) Provide the plaintiff with a document bearing proof of filing with the court.

Inform the plaintiff of the process for Tribal Court review of a foreign order of protection, and take steps to expedite review when the plaintiff perceives a risk of further harm.

**5A.07.040 Tribal Court may recognize additional foreign orders .**

Nothing in this Chapter shall prevent the [REDACTED] Tribal Court from entering into agreements, or establishing procedures by which orders of protection from jurisdictions not referred to in this Chapter may be filed with the Tribal Court and be entitled to full faith and credit.

# Hopi Tribal Coordinated Community Response to Domestic Violence



235

E

COORDINATED COMMUNITY RESPONSE

TO STOP VIOLENCE AGAINST NATIVE WOMEN

IS:

- ❖ AN INTER-AGENCY EFFORT WHICH PRIORITIZES THE SAFETY AND INTEGRITY OF WOMEN, AND THEIR CHILDREN, AND BATTERER ACCOUNTABILITY.
  
- ❖ AN EFFORT PROMOTING THE SPIRITUAL AND CULTURAL TRADITIONS OF THE SACREDNESS OF WOMEN AND CHILDREN.
  
- ❖ THE ESTABLISHMENT OF POLICIES, PROCEDURES AND PROTOCOLS WHICH CONSISTENTLY PROMOTES THE SAFETY OF WOMEN, AND, THE ACCOUNTABILITY OF MEN WHO BATTER AND THE SYSTEMS INVOLVED IN THIS RESPONSE.
  
- ❖ AN INITIATIVE WHICH PROMOTES AND HONORS THE LEADERSHIP AND EXPERTISE OF WOMEN WHO HAVE BEEN BATTERED.

copy of report

## ***DEVELOPING A COORDINATED COMMUNITY RESPONSE TO ENDING VIOLENCE AGAINST INDIAN WOMEN***

**Definition:** CCR is the process of developing systems accountability that focuses on the safety of women and children through the development of policy and procedures.

### **Identify key players**

- ▶ **Who can implement policy changes?**

**County Sheriff**

**Police Chief**

**County Prosecutor**

**Women's Advocate**

**Tribal Council Representative**

**Facilitator**

**Probation**

**Detention Center**

**Shelter Representative**

**Judges**

**Goals:** To increase the level of safety, access to advocacy, decrease barriers to safety, develop policies and procedures, decrease victim blaming and collusion and increase reporting of cases.

### **Advocate's Role in CCR:**

- ▶ **Clarify the role of the advocate. She/he is an advocate for battered women.**
- ▶ **Pivotal person to direct social change**
- ▶ **Challenges victim blaming**
- ▶ **Develops direction and agendas**

### **Group agrees to meet monthly and agrees that:**

- ▶ **Domestic Violence is not caused by alcohol, psychopathology, anger, stress or poor marriages/relationships.**
- ▶ **To challenge victim blaming and collusion**

- ▶ **To understand practices that may endanger the safety of women and children, that includes but not limited to couples counseling, mediation, restorative justice and similar methods.**
- ▶ **To develop knowledge and understanding about the community and people and challenge prejudices.**

**Develop Memorandum of Understanding:**

- ▶ **Shows commitment to CCR and to the safety of women and children.**

**Review existing policies and procedures:**

- ▶ **Each representative explains how each department operates with one another and what the gaps are.**
- ▶ **Always keep in mind that basic safety is the priority in developing policy.**

**Inform the public of the accomplishments**

## **CCR IS NOT:**

**Crisis Response Teams: respond to environmental disasters, suicide attempts and other mental health concerns.**

**Many large metro police departments have incorporated this concept as a response to domestic violence.**

## **DANGERS INVOLVED:**

- ▶ **Makes women forced into leaving the situation. Remember that battered women are experts on their own lives and know best what should happen for themselves and their children.**
- ▶ **It may provide some support, but women are not allowed to decide what they need.**
- ▶ **Provide quick solution. "She needs to leave". Makes the team feel good about themselves.**
- ▶ **The situation is mediated.**

G

EXHIBIT "B"

MEMORANDUM OF AGREEMENT

This AGREEMENT, made and entered as of the date set forth below, by and between the following parties:

Division of Public Safety,  
Division of Social Services,  
Navajo Office of the Prosecutor,  
Ama Doo Alchini Bighan, Inc. (ADABI), Chinle, Arizona,  
and,  
Tuba City for Family Harmony Services, Inc., Tuba City, Arizona

WITNESSETH:

WHEREAS, domestic violence is the most serious societal problem facing the Navajo Nation creating tragic consequences for victims as well as children. Many studies have shown that violence in the home leads to aggression in children -- resulting in delinquency and violence, thus continuing a harmful and unhealthy cycle; and

WHEREAS, the parties to this AGREEMENT desire a maximum degree of long range cooperation and administrative planning in order to provide for the safety and security of families and their communities; and

WHEREAS, all parties are committed to improving appropriate services to victims and their families in the criminal justice system through coordinating, integrating programs and services; and

WHEREAS, all parties agree that sharing resources, where feasible, and in particular, training efforts, may result in improved coordination and collaboration; and

WHEREAS, it is the understanding by all parties of this AGREEMENT that certain roles in serving victims and their families are required by law, and that these laws serve as the foundation for defining the roles and responsibilities of each participating agency; and

WHEREAS, all parties mutually agree that all obligations stated or implied in this AGREEMENT shall be interpreted in light of, and consistent with governing Navajo Nation and federal laws.

NOW, THEREFORE in consideration of the following AGREEMENT, the parties do hereby covenant and agree to do the following:

EACH OF THE PARTIES AGREE TO:

- 1. Promote, coordinate, and integrate efforts among agencies and staff to achieve maximum public safety with the goal of reducing incidents of domestic violence.

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

2. Jointly create and actively participate in an informal Council to be referred to as the Navajo Nation Advisory Council Against Domestic Violence (NNACADV).

3. Participate and attend all interagency planning meetings as scheduled.

4. Assign staff, as appropriate, to participate in activities to assess and develop plans for victims and their families of domestic violence involved in the criminal justice system.

5. Participate in planning and implementation of the following identified tasks:

A. Conduct Multi-disciplinary domestic violence and sexual assault training for law enforcement, criminal investigations, detention, prosecution, judges, advocates, defenders, victims service, child protection workers, educators and other service providers.

B. Write new or amend existing protocol/policies for law enforcement, criminal investigations, courts, prosecution and victims services regarding domestic violence and sexual assault incidents, and provide training necessary to properly implement these policies and procedures.

C. Develop legislative initiatives to address issues regarding domestic violence and sexual assault.

D. Create informational brochures on domestic violence and assault, which includes safety plans and a list of referral services for distribution.

E. Identify resources addressing domestic violence and sexual assault and bring together service providers to ensure effective coordinated and consistent services to victims.

6. Develop internal policies and cooperative procedures, as needed, to implement this AGREEMENT to the maximum extent possible.

7. Develop a budget that reflects at least 25% of the total grant award to be allocated equitably among Law Enforcement, Prosecution, and non-profit, non-governmental victim service programs pursuant to the Violence Against Women Act (P.L. 103-322).

8. Comply with relevant Navajo Nation and federal laws and other applicable local rules which relate to victims and their families of domestic violence.

THE NAVAJO DIVISION OF PUBLIC SAFETY AGREES TO:

1. Assign individuals and require active participation as members of the informal Navajo Nation Advisory Council Against Domestic Violence (NNACADV) from the Departments of Law Enforcement, Criminal Investigations, Victim/Witness Services and Detentions.

2. Develop appropriate internal written policies to ensure that victims of domestic violence receive effective and appropriate services.

3. Develop, in cooperation with the Division of Social Services and the Navajo Nation Office of the Prosecutor, and local service providers, a written plan to determine the procedures to take when an individual is identified as a victim of domestic violence.

THE NAVAJO DIVISION OF SOCIAL SERVICES AGREES TO:

1. Assign individual(s) and require active participation as members of the informal Navajo Nation Advisory Council Against Domestic Violence (NNACADV) for the office.

2. Assist in developing appropriate internal written policies to ensure that victims of domestic violence receive effective and appropriate services.

3. Assist in developing, in cooperation with the Division of Public Safety and the Navajo Nation Office of the Prosecutor, and local service providers, a written plan to determine the procedures to take when an individual is identified as a victim of domestic violence.

4. Enter into sub-contracts with the following non-profit non-governmental organizations to provide effective and efficient training of services to victims and their families of domestic violence:

A. Ama Doo Alchini Bighan, Inc., (ADABI), Chinle, Arizona.

B. Tuba City For Family Harmony, Inc., Tuba City, Arizona.

THE NAVAJO OFFICE OF THE PROSECUTOR AGREES TO:

1. Assign individual(s) and require active participation as members of the informal Navajo Nation Advisory Council Against Domestic Violence (NNACADV) for the office.

2. Assist in developing appropriate internal written policies to ensure that victims of domestic violence receive effective and appropriate services.

3. Assist in developing, in cooperation with the Division of Social Services and the Division of Public Safety, and local service providers, a written plan to determine the procedures to take when an individual is identified as a victim of domestic violence.

4. Provide notice to the parties of this AGREEMENT, or designee, immediately upon the initiation of planning efforts with private non-profit entities or governmental entities, including agencies part of this AGREEMENT, which could result in the creation, relocation, or expansion of victims' services and which may impact the Navajo Nation.

5. Develop, in cooperation with the Division of Public Safety and local service providers, a written plan to determine the procedures to take when an individual is determined to be a victim of domestic violence.

#### ADMINISTRATIVE

##### TERM OF AGREEMENT:

This AGREEMENT shall be in effect as of the date the AGREEMENT is signed by the majority of the initiating parties and shall continue until terminated. Any party signatory to this AGREEMENT may terminate participation upon thirty days notice to all signed parties to the AGREEMENT.

##### AGENCY REPRESENTATIVES:

The parties will develop procedures for ongoing meetings and will at least quarterly review and if necessary, recommend any changes.

##### MODIFICATION OF AGREEMENT:

Modification of this AGREEMENT shall be made only by consent of the majority of the initiating parties. Such shall be made with the same formalities as were followed in this AGREEMENT and shall include a written document setting forth the modifications, signed by all the consenting parties.

##### OTHER INTERAGENCY AGREEMENTS:

All parties to this AGREEMENT acknowledge that this AGREEMENT does not preclude or preempt each of the agencies individually entering into an AGREEMENT with one or more parties to this AGREEMENT. Such AGREEMENTS shall not nullify the force and effect of this AGREEMENT. This AGREEMENT does not remove any other obligations imposed by law to provide services to victims of domestic violence and their families.

##### SOVEREIGN IMMUNITY:

Nothing in this AGREEMENT or future amendments shall be construed to be a waiver of sovereign immunity by the Navajo Nation or any entity thereof, or as consent to be sued, or as submission to jurisdiction of any court.

##### DISCLAIMER:

This AGREEMENT is set forth only as a matter of internal guidance for the Navajo Nation and the respective agencies. This AGREEMENT is not intended to, does not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any party to civil or criminal litigation with the Navajo Nation. This AGREEMENT is not subject to disclosure upon demand by an attorney involved in litigation, or any other person unless disclosure is otherwise provided by law.

**STOP-VIOLENCE AGAINST INDIAN WOMEN  
CONSENT TO THE RELEASE OF INFORMATION**

---

*Confidentiality: The [redacted] Tribes, STOP Violence Against Indian Women staff are bound by law and professional ethics to keep all information obtained in our cases and sessions to ourselves unless permitted by you. There are legal limitations which override this listed below:*

- 1.) If we are given information that causes us to suspect that a child is being neglected, abused sexually, physically, and/or emotionally; we must report such findings to Child Protective Services.*
- 2.) If we are given information by a case client which causes us to suspect that an older person, or someone who is unable to protect her/himself due to disability, is being abused in some way, we must report this to Adult Protective Services.*
- 3.) If a case client threatens suicide or makes a threat against the safety of another person which we believe is serious, we must call both the person and law enforcement.*

*If we are subpoenaed to appear, or produce a document for court, we cannot legally refuse. This will be discussed with you prior to action.*

*Initialing on the line before the following agencies will allow staff of the [redacted] Tribes, STOP/Violence Against Indian Women to consult and receive information on your behalf. Such discussion is limited to information necessary to obtain assistance.*

I, \_\_\_\_\_ do hereby authorize the \_\_\_\_\_ Tribes  
STOP-Violence Against Indian Women to exchange information with the following  
agencies for the purpose of assessment, treatment, and assistance:

\_\_\_\_\_ County: \_\_\_\_\_

- \_\_\_ Social Services
- \_\_\_ Child Protective Services
- \_\_\_ Victim Witness, SEVA
- \_\_\_ Sheriff's Office
- \_\_\_ Probation Department
- \_\_\_ District Attorney
- \_\_\_ Project Sanctuary

Local:

- \_\_\_ \_\_\_\_\_ Indian Health Center
- \_\_\_ \_\_\_\_\_ Human Services
- \_\_\_ Indian Child Welfare Agency
- \_\_\_ \_\_\_\_\_ Unified School  
District.

Police Departments:

- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_

*add  
Senior Center*

Others: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*This consent is subject to revocation by me at any time except to the extent  
that action has already been taken and, if not earlier revoked, it shall ter-  
minate on \_\_\_\_\_.*

\_\_\_\_\_  
Client Case Signature

\_\_\_\_\_  
Date.

\_\_\_\_\_  
STOP Staff Signature

\_\_\_\_\_  
Date

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<b>Police Chief</b>	<b>Probation</b>
<b>County Prosecutor</b>	<b>Detention Center</b>
<b>Women's Advocate</b>	<b>Shelter Representative</b>
<b>Tribal Council Representative</b>	<b>Judges</b>

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**STOP-VIOLENCE AGAINST INDIAN WOMEN  
CONSENT TO THE RELEASE OF INFORMATION**

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- 1.) If we are given information that causes us to suspect that a child is being neglected, abused sexually, physically, and/or emotionally; we must report such findings to Child Protective Services.*
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- 3.) If a case client threatens suicide or makes a threat against the safety of another person which we believe is serious, we must call both the person and law enforcement.*

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I, \_\_\_\_\_ do hereby authorize the \_\_\_\_\_ Tribes  
STOP-Violence Against Indian Women to exchange information with the following  
agencies for the purpose of assessment, treatment, and assistance:

\_\_\_\_\_ County: \_\_\_\_\_

- \_\_\_ Social Services
- \_\_\_ Child Protective Services
- \_\_\_ Victim Witness, SEVA
- \_\_\_ Sheriff's Office
- \_\_\_ Probation Department
- \_\_\_ District Attorney
- \_\_\_ Project Sanctuary

Local:

- \_\_\_ \_\_\_\_\_ Indian Health Center
- \_\_\_ \_\_\_\_\_ Human Services
- \_\_\_ Indian Child Welfare Agency
- \_\_\_ \_\_\_\_\_ Unified School  
District.

Police Departments:

- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_
- \_\_\_ \_\_\_\_\_

*add  
Senior Center*

Others: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This consent is subject to revocation by me at any time except to the extent  
that action has already been taken and, if not earlier revoked, it shall ter-  
minate on \_\_\_\_\_.

\_\_\_\_\_  
Client Case Signature

\_\_\_\_\_  
Date.

\_\_\_\_\_  
STOP Staff Signature

\_\_\_\_\_  
Date

**Domestic Violence Police Report Form**  
**ENIPC PeaceKeepers Domestic Violence Program**  
**753-4790**

Please fill out this police report form for each Domestic Violence call received by Tribal Law Enforcement  
Forms will be picked up on a weekly basis by Community Liaison

Pueblo \_\_\_\_\_

<b>Date Reported</b>	<b>Date Occurred</b>	<b>Victim: Name</b>	<b>Called Previously on Domestic Violence</b>	<b>Suspect: Name</b>
			<b>YES      NO</b>	
<b>Restraining Order Requested</b>		<b>Address</b>	<b>Number of Times:</b>	<b>Address</b>
YES	NO		1    2    3    or more	
<b>Officer's Name (please print) and LPD Number</b>		<b>Phone</b>	<b>History of Violence Includes the Following:</b> (please circle) Verbal Abuse Physical Abuse Substance Abuse Weapons Involved Children Involved Other (list below)	<b>Phone</b>
Arrest?	YES    NO			
Report Filed?	YES    NO	Age: _____ M    F		Age: _____ M    F
Crim. Complaint?	YES    NO	Indian: _____		Indian: _____
<b>CASE NUMBER</b> _____		Non-Indian: _____		Non-Indian: _____

**Summary of Report:**

**Referred To:**

**Prosecution Assistance Requested: YES    NO**  
Please call Sharon Pomeranz if you circled YES

**Officer's Signature:** \_\_\_\_\_

H

**Date:** \_\_\_\_\_

PEACEKEEPERS DOMESTIC VIOLENCE PROGRAM  
EIGHT NORTHERN INDIAN PUEBLOS COUNCIL INC.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DOMESTIC VIOLENCE PROSECUTION REFERRAL SHEET

Date of Incident: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Tribal Affiliation: \_\_\_\_\_

Arrest Made: YES NO

Relationship to Victim: \_\_\_\_\_

Victim Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Tribal Affiliation: \_\_\_\_\_

Photos Taken: YES NO

Statement Made: YES NO

Medical Assistance Requested: YES NO

Other Agencies Involved: \_\_\_\_\_

Children Present at Incident: YES NO If yes, how many: \_\_\_\_\_

OFFICER NAME: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

# Villages Without Violence

- *Iliamna  
Conference  
January 21-24*
- *Dillingham  
Conference  
March 9-12*
- *Naknek  
Conference  
February 12-15*
- *Chignik  
Conference  
April 8-10*

This project was supported by Grant No.96-WI-NX-0013 awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.





For further information or referral, call any of the numbers listed below.

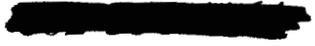
- [REDACTED] Behavioral Health Services



- [REDACTED] Police Department



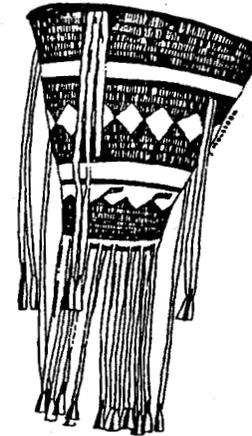
- Tribal Social Services



- [REDACTED] Health Center



# HAVE YOU BEEN A VICTIM?



- Of Domestic Violence?
- Of Child Abuse?
- Of Elderly Abuse?
- Of Child Sexual Abuse?
- Of Rape?
- Of Any Other Crime?





If you are a victim, or know of someone who is a victim and in need of some assistance, there is help available through [REDACTED] Behavioral Health Services and the Victim Advocate.

Here's how the Victim Advocate can help:

- \* The Victim Advocate will assist clients in obtaining necessary services from tribal agencies, and will provide logistical support to clients so they are able to attend appointments, meetings, court hearings, etc.
- \* The Victim Advocate will assist all clients in obtaining therapy upon referral from any source.
- \* The Victim Advocate will provide support to clients during all court proceedings.
- \* The Victim Advocate will assist the identified client in maintaining regular contact with the prosecutor's office in order to arrange court dates, staffings, depositions and other meetings related to the prosecution of the alleged perpetrator of the abuse.



## CRIME VICTIMS' BILL OF RIGHTS

A crime victim has the following rights:

- (1) The right to be treated with fairness and with respect for the victim's dignity and privacy.
- (2) The right to be reasonably protected from the accused offender.
- (3) The right to be notified of court proceedings.
- (4) The right to be present at all public court proceedings related to the offense, unless the court determines that the testimony by the victim would be materially effected if the victim heard other testimony at trial.
- (5) The right to confer with the attorney for the Government in the case.
- (6) The right to restitution.
- (7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

L

Drafted May 14, 1999

### Non-Site Visit Phone Protocol

Date: \_\_\_\_\_

Interviewer: \_\_\_\_\_

Tribe: \_\_\_\_\_

Hello my name is \_\_\_\_\_, I work at the University of Arizona on the STOP Grant Evaluation Team. We are conducting an impact and process evaluation of tribal programs that address violence against women through use of STOP funds. Today I'd like to ask you some questions about your STOP program. This will take between 30 and 45 minutes. Is this a good time to do this?

If no, can we schedule a time and date when I can call back?

Date \_\_\_\_\_ time \_\_\_\_\_.

When I call back please make sure to have any program statistics, homicide rates, hospitalization rates as a result of domestic violence and funding information available.

Our findings from each interview will be integrated into a report submitted to National Institute of Justice in October, 2001.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

How long at the position: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

#### A: Program Operations

1. When was your program founded? \_\_\_\_\_
2. When did your community first receive a STOP grant? \_\_\_\_\_
3. What was the amount of your STOP grant?

1999 \_\_\_\_\_

2000 \_\_\_\_\_

2001 \_\_\_\_\_

4. Is your program: tribally affiliated \_\_\_\_\_ run by a private non-profit agency \_\_\_\_\_

5. In what agency is the STOP program based?

\_\_\_\_\_ Prosecutor's office

\_\_\_\_\_ Court

\_\_\_\_\_ Shelter

\_\_\_\_\_ Victim service agency

\_\_\_\_\_ Police

\_\_\_\_\_ Other: \_\_\_\_\_

6. Is the program housed on the reservation?

\_\_\_\_\_ yes \_\_\_\_\_ no (location): \_\_\_\_\_

7. Are there satellite programs?

\_\_\_\_\_ yes

(location/number): \_\_\_\_\_

\_\_\_\_\_ no

8. How many positions are funded with the STOP grant? Full time \_\_\_\_\_ Part time \_\_\_\_\_

8a. What positions are STOP funded? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Has your STOP program had a problem with staff turnover? \_\_\_\_\_ yes \_\_\_\_\_ no

9a. If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. What **STOP funded services** are provided in your community? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are there any **other services** in your community available that address domestic violence, sexual assault and/or stalking that are *not* STOP funded?

no yes: \_\_\_\_\_

\_\_\_\_\_

11a. How are those services funded?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. How do all the agencies that respond to violent crimes against women **collaborate**? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

12a. Do these agencies share information with one another? \_\_\_yes \_\_\_no

12b. If yes, what is the procedure for information sharing? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. Does your community have a **task force** to address domestic violence, sexual assault and/or stalking issues? \_\_\_yes \_\_\_no

13a. If yes, what does the task force do? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13b. If yes, what agencies are represented on the task force? \_\_\_\_\_

\_\_\_\_\_

---

**B: Codes and Protocols**

1. Has your community adopted a code that addresses:

\_\_\_\_\_ domestic violence--date adopted/in progress: \_\_\_\_\_

\_\_\_\_\_ stalking--date adopted/in progress: \_\_\_\_\_

\_\_\_\_\_ sexual assault--date adopted/in progress: \_\_\_\_\_

1a. May we get copies of your codes? \_\_\_yes \_\_\_no

2. Are there any formal protocols to address violent crimes against women?

Dispatcher \_\_\_yes \_\_\_no

Police \_\_\_yes \_\_\_no

Prosecution \_\_\_yes \_\_\_no

Advocate \_\_\_yes \_\_\_no

**STOP Grant Support**

1. What sort of community support does your STOP program receive? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. What sort of support does your STOP program receive from the tribal government? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. What sort of support has your STOP program received from VAWGO? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### Questions about Response

We are interested in the response process to a domestic violence call in your community. I will ask a series of short questions to investigate certain aspects of your program's response to domestic violence and sexual assault.

#### 1. Dispatcher

- a. Is the dispatcher:  tribal  county  other: \_\_\_\_\_
- b. Does the dispatcher contact a victim service agency?  yes  no

#### 2. Jurisdiction

- a. Which agency responds to domestic violence calls?  
Tribal police   BIA   County police   State police   City police  
Other: \_\_\_\_\_
- b. Are there cross deputization agreements with other law enforcement agencies?  
 yes  no   What agencies? \_\_\_\_\_
- c. Does your program experience any problems related to jurisdiction? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 3. Police

*If there is a domestic violence code in this community, ask the following questions.*

- a. Does your domestic violence code require mandatory arrest?  yes  no
- b. Does your domestic violence code require a mandatory holding period for offenders?  yes  no   If yes, how long is the period? \_\_\_\_\_

- c. Does your domestic violence code address collateral arrest situations?  
\_\_\_\_ yes \_\_\_\_ no
- d. Is victim notification and information required in domestic violence situations?  
(Notice of criminal charges; information on victim and legal services available)  
\_\_\_\_ yes \_\_\_\_ no
- e. Is victimless prosecution provided for (so that victim isn't required to sign complaint)? \_\_\_\_ yes \_\_\_\_ no
- f. Do the police collect the following types of evidence in domestic violence situations?
- Take photographs of scene \_\_\_\_ yes \_\_\_\_ no
- Tape interviews at scene \_\_\_\_ yes \_\_\_\_ no
- Take witness statements at scene \_\_\_\_ yes \_\_\_\_ no

#### 4. Medical Help

- a. Where do those who have been injured in domestic violence situations go to receive medical treatment? \_\_\_\_\_
- b. Who transports them? \_\_\_\_\_

#### 5. Protection Orders

- a. Are emergency protection orders available? \_\_\_\_ yes \_\_\_\_ no
- b. Is there an agency that provides help in obtaining emergency protection orders?  
\_\_\_\_ yes If yes, which agency? \_\_\_\_\_  
\_\_\_\_ no

#### 6. Advocates

- a. What type of advocates are available to assist with domestic violence situations?

Victim advocates \_\_\_ yes \_\_\_ no

Legal advocates \_\_\_ yes \_\_\_ no

Both \_\_\_ yes \_\_\_ no

b. Do any advocates provide the following services?

Provide transportation \_\_\_ yes \_\_\_ no

Provide referrals \_\_\_ yes \_\_\_ no (To counseling, legal, public assistance, etc)

Provide legal advocacy in court proceedings \_\_\_ yes \_\_\_ no

Provide advocacy in child protection issues \_\_\_ yes \_\_\_ no

## 7. Prosecution and Sentencing

a. Are prosecutors prohibited from dropping domestic violence charges? \_\_\_ yes \_\_\_ no

b. Are sentencing guidelines used? \_\_\_ yes \_\_\_ no

c. Is court-ordered treatment required for offenders in domestic violence cases?

\_\_\_ yes \_\_\_ no

d. Are there sanctions for non-compliance

With conditions of probation? \_\_\_ yes \_\_\_ no

With court orders generally? \_\_\_ yes \_\_\_ no

e. Is there a system in place for tracking offenders in domestic violence cases to ensure they comply with all of the requirements of the court order? \_\_\_ yes \_\_\_ no

\*\*\*\*\*

Those are all of the questions I have about the program and the systems that deal with domestic violence in your community. I will send you a follow-up letter today to request copies of some relevant documents. Some of the documents I will request will include:

Drafted May 14, 1999

- tribal codes
- protocols
- statistical reports
- victim services information

Also, I will be sending you a survey that asks for more specific information that we may not have covered in this interview. Because of time constraints, we would appreciate it if you could complete it in a timely manner and return it to us.

Thank you so much for your time today.

THE UNIVERSITY OF  
**ARIZONA**<sup>®</sup>  
TUCSON ARIZONA

Harvill Room 430  
PO Box 210076  
Tucson Arizona 85721-0076  
(520) 621-7108  
FAX (520) 621-7952

Dear Ms. or Mr.,

Thank you for the time you spent on the phone with us. This letter is the follow up to that phone conversation. As you know, the National Institute of Justice has a cooperative agreement with the Tribal Law and Policy Program at the University of Arizona to conduct an impact evaluation of all STOP Violence Against Indian Women Programs. The purpose of this letter is to request information that will help us determine how STOP funding is being administered, and to learn about the accomplishments of your program. The information we need at this point is:

- STOP Grant Progress Reports submitted by you to the Department of Justice.
- A copy of your current domestic violence, stalking, and sexual assault codes and ordinances.
- A copy of any police and/or prosecution protocols regarding domestic violence, stalking, or sexual assault. Additionally, any existing protocols from other agencies involved in the response to violence against women would be helpful.
- Any recent implementation plans describing program goals and activities.
- Narrative reports describing program activities.
- Any public information materials (brochures, pamphlets, business cards, etc.) related to your STOP program or other programs that address violent crimes against women.
- Any statistics addressing the response to violence against women in your community (i.e. arrest rates, prosecution rates, emergency calls, shelter or counseling statistics, etc.). We would ideally like to gather pre-STOP and then post-STOP statistics if you have them available.

We realize that all the information we request may not exist or be readily available. We also understand that the administration of your programs keeps you quite busy. We appreciate your cooperation in working with us. If you have any questions or concerns please feel free to call us at (520) 626-3397, Monday- Friday, 9:00-4:00, MST. Thank you for your cooperation.

Sincerely,

Eileen Luna  
Assistant Professor  
American Indian Studies



N

Dear Ms. or Mr.,

As you are aware, the Tribal Law and Policy Program(TLPP) at the University of Arizona has a cooperative agreement with the National Institute of Justice to conduct an impact evaluation of tribal STOP programs. The enclosed survey is part of this evaluation and will provide the TLPP team with valuable information about each tribal STOP program.

The survey is divided into four parts. Part I asks general questions about your STOP program. Part II asks about the victim service component of your program. Part III deals with the law enforcement component and part IV asks about the prosecution element of your program. Part I is designed to be filled out by the person who manages or coordinates your STOP program. The other three sections can be also be filled out by the STOP grant coordinator, but may be more easily completed by someone with detailed knowledge of each of the respective areas.

The survey will allow the TLPP to understand some of the most promising practices tribal STOP programs like yours have developed to help combat violence against Indian women. The information you provide us ultimately will be incorporated into a report to the National Institute of Justice. The identity of tribes, people and programs with be kept anonymous. This report will assist in their response to your needs and the issues with which your program contends, and will be incorporated into their reports to Congress. Your cooperation in filling out this survey is greatly appreciated.

We would appreciate it if you would **return this by [30 days from the time that it was sent]**. If you have any questions or concerns about the survey, the TLPP evaluation project, or how the information you provide will be used, please feel free to call the TLPP team at (520) 626-3397 between 9:00 am and 5:00 pm Mountain Standard Time.

Thank you for helping us to strengthen the STOP program and the provision of services to Indian women.

Sincerely,

Eileen Luna  
Associate Professor, American Indian Studies Programs  
University of Arizona



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University of Arizona  
Tribal Law and Policy Program

STOP Violence Against Indian Women Grant Program Survey  
Part I- General Information

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**A. STOP Grant Administration**

Grant Project Title \_\_\_\_\_

Grantee Agency Name \_\_\_\_\_

Address \_\_\_\_\_

---

STOP Grant Manager/Coordinator: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

---

**B. Implementation**

STOP Grant Project Period: Start date \_\_\_/\_\_\_/\_\_\_ End date \_\_\_/\_\_\_/\_\_\_

Type of award: New \_\_\_\_\_ Continuing \_\_\_\_\_

Award Amount: \$ \_\_\_\_\_

Program start date: \_\_\_/\_\_\_/\_\_\_

Have there been problems or delays in starting the STOP program?

Please explain: \_\_\_\_\_

---

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**C. Agency Funded**

1. Type of agency funded: (check one, if applicable)

Law enforcement \_\_\_\_\_

Prosecution \_\_\_\_\_

Courts \_\_\_\_\_

Non-profit, Non-governmental Victim Services \_\_\_\_\_

Government Victim Services \_\_\_\_\_

Tribal Government \_\_\_\_\_

Tribal Social Service Agency \_\_\_\_\_  
Multi-disciplinary Team \_\_\_\_\_  
Other \_\_\_\_\_

**2. Category of Funding**

Please indicate the amount of funds addressing each section of your grant:

	Amount awarded	percentage (ie. 25-25-25-25)
Law Enforcement		
Prosecution		
Victim Services		
Discretionary		

**2a. Please explain what the discretionary funds were used for:**

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**3. Other sources of annual revenue, excluding STOP funds, that were (are) being used for this project:**

Please indicate sources of revenue for services to victims and an approximate percentage of organization income for each.

Rural Domestic Violence and Child Victimization Enforcement Grant \_\_\_\_\_  
Grants to Encourage Arrest Policies \_\_\_\_\_  
BJA Local Law Enforcement Block Grants \_\_\_\_\_  
VOCA Victim Assistance Grant Funds \_\_\_\_\_  
Family Violence Prevention Fund \_\_\_\_\_  
Other Federal Funds/Grants \_\_\_\_\_  
State and Local Government \_\_\_\_\_  
Tribal contributions \_\_\_\_\_  
Crime Victim's Compensation Fund \_\_\_\_\_  
United Way \_\_\_\_\_  
Third party payments \_\_\_\_\_  
Individual contributions \_\_\_\_\_  
Corporate contributions \_\_\_\_\_  
Other. Please identify: \_\_\_\_\_

**D. Focus Area of STOP Grant**

**1. Focus of Grant: (If the grant has multiple focuses, check all that apply)  
(For other, list the focus area)**

Domestic Violence \_\_\_\_\_ Stalking \_\_\_\_\_ Sexual Assault \_\_\_\_\_ other: \_\_\_\_\_

**2. Purpose areas of STOP grant: (Please check all that apply)**

- Training for law enforcement
- Training for prosecutors
- Specialized units for law enforcement
- Development of law enforcement policies, protocols, orders, and services
- Development of prosecution policies, protocols, orders, and services
- Development of new data and communication systems
- Expansion of current data and communication systems
- Establishment of new victim services
- Expansion or enhancement of existing victim services
- Programs addressing domestic violence
- Programs addressing sexual assault
- Programs addressing stalking
- Other. Please specify: \_\_\_\_\_

**3. What are the direct services supported by the STOP grant?**

- Direct services for victims focused on helping them through the criminal and civil justice systems or other systems such as financial aid, housing, employment, etc.
- Direct services for victims designed to meet personal needs through counseling, therapy, safety planning, shelter, education/awareness, etc.
- Education, supervision, or other direct services to offender.
- Public education or awareness.
- Other. Please explain: \_\_\_\_\_

**4. How has agency capacity expanded with the receipt of STOP funds? Check all that apply:**

- Increased staffing
- If yes, what positions have been funded through the grant:
 

<input type="checkbox"/> Victim Advocates	full time	part-time
<input type="checkbox"/> Law Enforcement	full time	part-time
<input type="checkbox"/> Administrative Staff	full time	part-time
- Purchase of equipment or supplies
- Development of resource materials (e.g. notice of victim's rights or services, officers' or prosecutors' handbook, bench book, materials translated into another language, etc.)

**5. Enhancing System-wide Capacity in the Community**

- Needs or resource assessment, planning
- Provision of technical assistance to other agencies.
- Development of data/communications across agencies.
- Enhancing coordination on a larger system-wide basis, across disciplines (e.g. establishing a multi-disciplinary community task force, doing cross-training, or hiring a case manger to coordinate interventions of various agencies.)
- Policy development for agencies other than law enforcement, prosecution or victim services.
- Training for agencies other than law enforcement, prosecution, or victim services.
- Development of special units for agencies other than law enforcement.

**E. Training**

1. Did the STOP project develop or conduct training? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Enter the number of people trained, by type of agency.

Law Enforcement \_\_\_\_\_ Prosecution \_\_\_\_\_ Courts \_\_\_\_\_  
Shelter \_\_\_\_\_ Social Service \_\_\_\_\_ Health/ Medical \_\_\_\_\_

3. How many training sessions were conducted? \_\_\_\_\_

F. Specialized Units

1. Did the STOP project support a specialized unit? Yes \_\_\_\_\_ No \_\_\_\_\_  
(Specialized units are multi-disciplinary teams [e.g., Domestic Abuse Response Team] or specialized units within an agency [e.g., a domestic violence unit within a police force or prosecutor's office] )

2. If yes, the name of the specialized unit: \_\_\_\_\_

3. What is the specialized unit's start date? \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

4. Identify where the unit is administratively located.

Law Enforcement Agency \_\_\_\_\_ Prosecutors office \_\_\_\_\_ Court \_\_\_\_\_

Private non-profit victim services agency \_\_\_\_\_ Health care agency \_\_\_\_\_

Tribal social services \_\_\_\_\_ Tribal governmental agency (other than SS) \_\_\_\_\_

Other. Please explain: \_\_\_\_\_

5. Identify how many persons from each agency staff the special unit. (List if full-time, part-time, or volunteer)

Full time	Part time	Volunteer	
_____	_____	_____	Law Enforcement officers
_____	_____	_____	Prosecutors
_____	_____	_____	Court personnel
_____	_____	_____	Victim Advocate
_____	_____	_____	Counselors
_____	_____	_____	Health care providers
_____	_____	_____	Administrative Staff
_____	_____	_____	Other. Please explain _____

**G. Policies**

1. Did the STOP project address policy, procedure, protocol, or administrative orders?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. If yes, please check the answer that describes your policy development activities (check all that apply).

\_\_\_\_\_ A new policy, procedure, protocol, or administrative order was (is being) developed.

\_\_\_\_\_ A previous policy, procedure, protocol, or administrative order was (is being) revised or expanded.

\_\_\_\_\_ Other. Please specify: \_\_\_\_\_

3. How many agencies of each type received a copy of the policy, procedure, protocol, or administrative order?

\_\_\_\_\_ Law Enforcement \_\_\_\_\_ Prosecution \_\_\_\_\_ Courts

\_\_\_\_\_ Private non-profit victim services \_\_\_\_\_ Public sector victim services

\_\_\_\_\_ Health/ Medical care \_\_\_\_\_ Other social services \_\_\_\_\_ Other. Identify: \_\_\_\_\_

4. How many agencies of each type adopted the policy, procedure, protocol, or administrative order?

\_\_\_\_\_ Law Enforcement \_\_\_\_\_ Prosecution \_\_\_\_\_ Courts

\_\_\_\_\_ private non-profit victim services \_\_\_\_\_ Public sector victim services

\_\_\_\_\_ Health/ Medical care \_\_\_\_\_ Other social services \_\_\_\_\_ Other. Identify: \_\_\_\_\_

5. What subject area(s) does the policy, procedure, protocol, or administrative order address?  
(Check all that apply)

**Law Enforcement**

\_\_\_\_\_ Policies on training standards and requirements, including roll-call, in-service, and academy training for officers and other personnel.

\_\_\_\_\_ Enforcement of applicable laws including authority and decision making skills on the scene, when to make an arrest, removing weapons, enforcing orders of protection, and checking records for prior incidents and warrants.

\_\_\_\_\_ Collection of evidence by photographing injuries, identifying and interviewing secondary witnesses such as neighbors, etc.

\_\_\_\_\_ How to serve victims and witnesses better, including notifying victims of their rights, available services, progress on their case, and protecting children on the scene.

\_\_\_\_\_ What to do when an officer is involved in domestic violence, including any special procedures such as calling a supervisor to the scene and follow-up contacts.

\_\_\_\_\_ Procedures to promote officer safety.

\_\_\_\_\_ Other. Please explain: \_\_\_\_\_

**Prosecution:**

What subject area(s) does the policy, procedure, protocol, or administrative order address?  
(Check all that apply)

- How to serve victims and witnesses better, including role of victim/witness staff.
- Aggressive prosecution, including how to prosecute cases vigorously, pro-prosecution policies, charging and plea bargaining practices, and prosecuting without the victim's testimony.
- How to structure prosecution offices and manage caseloads, including vertical prosecution policies, special domestic violence and/or sexual assault units, coordinated case management techniques, and case tracking systems.
- How special court structures work, such as family courts or specialized domestic violence courts.
- Other. Please explain: \_\_\_\_\_

6. Are there any Memorandums of Understanding among different agencies? Yes \_\_\_\_\_ No \_\_\_\_\_  
6a. If yes, please explain the nature of MOUs: \_\_\_\_\_

7. Are there any Intergovernmental Agreements among different agencies? Yes \_\_\_\_\_ No \_\_\_\_\_  
7a. If yes, please explain nature of agreements: \_\_\_\_\_

**H. Data Collection**

1. Did the STOP project support data collection/communications? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Is the data collection/communication system new or an enhancement to an existing system?  
New \_\_\_\_\_ Enhancement of existing system \_\_\_\_\_

2a. If new, what types of data collection/communications were purchased with grant funds?

- beepers
- cellular phones
- computers
- tape recording devices
- video cameras
- Other, Please describe: \_\_\_\_\_

3. Indicate what type of agency has primary responsibility for the data collection/communications system.

- Law Enforcement \_\_\_\_\_
- Courts \_\_\_\_\_
- Health/ Medical care \_\_\_\_\_
- Other. Please specify: \_\_\_\_\_
- Prosecution \_\_\_\_\_
- Tribal Social Services \_\_\_\_\_
- Private non-profit victim services \_\_\_\_\_

**4. What other agencies (will) use or access the system (check all that apply):**

None. Only one agency uses or accesses this system \_\_\_\_\_  
Law Enforcement \_\_\_\_\_ Prosecution \_\_\_\_\_  
Courts \_\_\_\_\_ Tribal Social Services \_\_\_\_\_  
Health/ Medical care \_\_\_\_\_ Private non-profit victim services \_\_\_\_\_  
Other. Please specify: \_\_\_\_\_

**5. Where are the agencies that use the system.**

\_\_\_\_\_ All within the same community/reservation.  
\_\_\_\_\_ Spread across the larger region of the state.  
\_\_\_\_\_ Spread across the entire state.  
\_\_\_\_\_ Spread across two or more states.  
\_\_\_\_\_ Not applicable, only one agency uses the system.

**6. What type of database or tracking system does the STOP grant support?**

Sex offender registry \_\_\_\_\_ Protection/restraining order registry \_\_\_\_\_ Criminal history records \_\_\_\_\_  
Victim notification \_\_\_\_\_ 911 calls \_\_\_\_\_ Case tracking system \_\_\_\_\_  
Hotline calls \_\_\_\_\_ Protection/restraining order tracking system \_\_\_\_\_  
Forms development or standardization \_\_\_\_\_  
Other. Please explain: \_\_\_\_\_

**7. Does the state have a centralized protection order registry.** Yes \_\_\_\_\_ No \_\_\_\_\_

7a. If yes, are your orders honored? Please explain: \_\_\_\_\_

---

**I. Evaluation**

**1. How will the effectiveness of the STOP project be evaluated?: (check all that apply)**

\_\_\_\_\_ Collection and analysis of statistical data  
\_\_\_\_\_ Questionnaires for direct program participants prior to intervention (professionals, victims, offenders, or others)  
\_\_\_\_\_ Questionnaires for direct program participants after intervention  
\_\_\_\_\_ Follow-up surveys with direct participants  
\_\_\_\_\_ Follow-up interviews with direct participants  
\_\_\_\_\_ Follow-up focus groups with direct participants

**2. Who, by title not name, will be evaluating the STOP program?**

**This form was completed by:**

---

Name (Please Print)	Title	Telephone	Date
---------------------	-------	-----------	------

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**STOP Violence Against Indian Women Grant Program Survey**  
**Part II--Victim Services**

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**A. Scope of Services**

1. Did the STOP project support victim services? Yes \_\_\_\_\_ No \_\_\_\_\_

1a. If no, please check the best explanation that applies:

\_\_\_\_\_ There were no non-profit victim service programs in the area.

\_\_\_\_\_ There were no tribal governmental victim service program.

\_\_\_\_\_ Other. Please explain: \_\_\_\_\_

1b. If yes, What type of victim service program was funded? (Check all that apply)

\_\_\_\_\_ Court Advocacy

\_\_\_\_\_ Community Education

\_\_\_\_\_ Hotline/telephone counseling

\_\_\_\_\_ In-person crisis counseling

\_\_\_\_\_ In-person non-emergency supportive counseling

\_\_\_\_\_ Planning, coordination, or technical assistance

\_\_\_\_\_ Shelter

\_\_\_\_\_ Other. Please specify: \_\_\_\_\_

2. What services provided to women who were victims of violent crime were developed or enhanced with STOP funds?

\_\_\_\_\_ Linkage to community agencies

\_\_\_\_\_ Childcare

\_\_\_\_\_ Crisis lines (Hotlines, telephone counseling)

\_\_\_\_\_ Counseling for adult victims

\_\_\_\_\_ Advocating for women in the criminal justice system

\_\_\_\_\_ Court escort for victims

\_\_\_\_\_ Financial assistance

\_\_\_\_\_ Third-party visitation services

\_\_\_\_\_ Transportation

\_\_\_\_\_ Counseling services for abuser

\_\_\_\_\_ Day care for shelter residents

\_\_\_\_\_ Shelter, safehouse

\_\_\_\_\_ Other. Please specify: \_\_\_\_\_

3. What services do you think are innovative and effective in addressing violence against Indian women?

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4. What types of services did victims receive after the implementation of the STOP program?

- New types of services not previously available to them.
- Improved or enhanced versions of services already available.
- More of the same services already available.

5. What victims were served under this project?

- The same victims already receiving services.
- New victims who would not have been served without this project.

6. Does your organization charge victims for its services:

Yes  No

6a. If yes, what arrangements are available to assist clients with limited resources pay for services?

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**B. Staff Information**

1. How many paid staff providing services, for, or on, behalf of victims, were funded or hired with STOP grant funds?

List Title (position), duties, and hours for each.

Name of person	Title (Position)	Hours	Duties

2. Does your organization provide staff training? Yes  No

If yes, please describe your training program below. Indicate topics and number of hours of training provided pertaining to crime victims and victim services.

	Topic	# of hours
a. Formal training for new staff:		
b. In-service training:		
c. Specialized courses:		

d. Provision for conference and seminar attendance:		
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3. Does your organization participate in training programs related to crime victims provided by other agencies or organizations? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe the training provided by other agencies or organizations:

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**C. Advocates**

1. Does your organization utilize advocates? Yes \_\_\_\_\_ No \_\_\_\_\_

1a. If yes,  
Please indicate how many are employed or volunteer: \_\_\_\_\_

1b. Please indicate what services advocates provide to victims.

- \_\_\_\_\_ Help victims obtain protection orders.
- \_\_\_\_\_ Develop safety plans.
- \_\_\_\_\_ Direct services
- \_\_\_\_\_ Address mental health needs
- \_\_\_\_\_ Refer victims to other services (i.e., medical, mental health)
- \_\_\_\_\_ Other. Please specify: \_\_\_\_\_

**D. Types of Services Available**

**1. What types of community services are available to Indian women who have been victims of domestic violence /sexual assault/stalking in the service area of your program?**

Type	Tribally-run	IHS	Within State	Distance
Alcoholics Anonymous				
Children's group home				
Crisis lines				
Day Care				
Family Counseling				
Drop-in crisis center				
Mental health services				
Parents Anonymous				
Safe home network				
Shelters				
Transportation (i.e., Safe Rides)				
Substance Abuse Treatment Centers				
Women's support group				
Financial Assistance				
Other. Explain:				

**2. Where do you send a victim of physical/sexual assault?**

- IHS Clinic/Hospital. Distance: \_\_\_\_\_  
 Nearest non-tribal clinic/hospital. Distance: \_\_\_\_\_  
 Nearest city non-tribal clinic/hospital. Distance: \_\_\_\_\_

**3. Are the physicians/nurses who treat victims of physical/sexual assault trained in using rape kits?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**4. Where does a victim of abuse in your community get a protection order?**

- Tribal adult courts                      State Superior Courts \_\_\_\_\_                      Courts of Federal Regulation \_\_\_\_\_  
 Tribal juvenile courts                      City Justice Courts \_\_\_\_\_                      Federal District Courts \_\_\_\_\_  
 Tribal family courts

**5. What forms of civil relief are available to women:**

- Alimony and Child Support  
 Child Custody and Visitation Rights  
 Divorce or Separation  
 Ex-Parte Orders

- Money Damages for Personal Injury
- Name Change
- No Contact Orders
- Peace Bonds
- Protection Orders
- Restraining Orders
- Return of Personal Property
- Temporary Protection Orders

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**E. Quality of Services**

**1. What are the major barriers the agency encounters when helping women?**

- Inadequate legal response from the criminal justice system.
  - Lack of resources.
  - Poor coordination of services.
  - Lack of social concern about violence against women.
  - Other. Please explain: \_\_\_\_\_
- 

**2. What complications do you see in obtaining law enforcement services for women?**

- Client refuses to report or talk with police.
- Client refuses to press charges.
- Codes are inadequate to meet intervention.
- Distance the client has to travel for services.
- Financial costs for filing orders.
- Lack of police enthusiasm.
- Lack of police staffing.
- Lack of response from police.
- Law enforcement is not trained well.
- Other. Please explain: \_\_\_\_\_

**3. What are the reasons victims give for dropping charges against the abuser?**

- Give the abuser one more chance
- Lack of support or follow through by the legal system
- Emotional dependency on the abuser
- Fear that the abuser will find her and do her harm
- Lack of financial resources
- Lack of housing resources
- Lack of support from other family members
- Lack of job opportunities
- Denial of a cycle of violence
- Lack of transportation
- Lack of child care resources
- Fear that the abuser will get custody of the children
- Fear that the abuser will kidnap the children
- Children miss the absent parent
- Lack of professional counseling for the abuser
- Fear that the abuser will hard the children
- Other. Please explain: \_\_\_\_\_

4. In general, do women in the community know about the resources available to battered women?  
Yes \_\_\_\_\_ No \_\_\_\_\_

4a. If yes, how did they learn about the resources?

- \_\_\_\_\_ radio announcements
- \_\_\_\_\_ newspaper stories
- \_\_\_\_\_ brochures
- \_\_\_\_\_ word of mouth
- \_\_\_\_\_ referral from other agencies

4b. If no, What are some of the barriers to providing this information? Please explain:

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**F. Client Feedback and Evaluation of Services**

1. Do you routinely survey crime victims about their satisfaction with the services provided by your organization or agency? Yes \_\_\_\_\_ No \_\_\_\_\_

1a. If yes, please describe the process used to collect client feedback.

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This form was completed by:

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Name (Please Print)	Title	Telephone	Date
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**STOP Violence Against Indian Women Grant Program**  
**Part III--Law Enforcement**

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**A. Scope of Services**

**1. Did this project include a law enforcement component?**      Yes       No

**1a. If no, please check all that apply**

- There is no tribal agency charged with police functions in the community.
- The tribe uses the BIA for law enforcement functions.
- The tribe uses volunteer forces for law enforcement functions.

**If yes, please answer the following questions to the best of your ability.**

**2. What law enforcement services were developed or enhanced with STOP funds?**

- Data communication systems.
- Data systems for tracking sexual assault, stalking and domestic violence cases.
- Domestic violence and sexual assault units.
- Investigative equipment.
- Policies and procedures for handling domestic violence cases.
- Public education or awareness.
- Resource materials for officers.
- Standardized forms for abuse/assault incidents.
- Supervision of offender.
- Training for law enforcement officers.
- Training for investigators.
- Other. Please specify: \_\_\_\_\_

**3. With STOP funds, what improvements have you seen within the police department?**

- Efficiency in filing reports by using standardized forms.
- Improvements in report writing.
- Improvements in documenting evidence of abuse.
- Improvements in investigations because of better or new equipment.
- Improvements in communication between departments/agencies.
- Improvements in tracking offenders.
- Increasing arrests of offenders.
- Other. Please specify: \_\_\_\_\_

**3. What services do you think are innovative and effective in addressing violence against Indian women?**

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**B. Agency and Staff Information**

1. What type of policing do you have? (Check all that apply)

- BIA
- PL 280
- PL 93-638
- Self-Governance
- Village Public Safety Officer
- Other. Please specify: \_\_\_\_\_

2. Does your department have both Tribal and BIA police? Yes \_\_\_\_\_ No \_\_\_\_\_

2a. If yes, please indicate:

Number of Tribal Police \_\_\_\_\_

Number of BIA police \_\_\_\_\_

3. How many law enforcement officers are there? \_\_\_\_\_

3a. Please fill in the current number and gender of officers in each category:

	Males	Females
Tribal members		
Other Native Americans		
Hispanic		
African American		
Caucasian		
Other		

4. How many law enforcement or related workers were funded or hired with STOP grant funds?

For example, a Violence and/or Sexual Assault Officer, a Domestic Violence Liaison Officer or Specialized Domestic Probation Officer.

Title	Name	Duties	Hours

5. Were specialized units to respond to domestic violence and/or sexual assault cases established?

Yes \_\_\_\_\_ No \_\_\_\_\_

5a. If yes, name of the unit: \_\_\_\_\_

5b. What is the specialized unit's start date? \_\_\_\_/\_\_\_\_/\_\_\_\_

5c. How many personnel of each type staff the specialized unit.

\_\_\_\_ Counselor (s)      \_\_\_\_ Health care worker(s)      \_\_\_\_ Law Enforcement Officer (s)

\_\_\_\_ Prosecutor (s)      \_\_\_\_ Victim Advocate(s)      \_\_\_\_ Other: \_\_\_\_\_

6. Does your department require training on domestic violence/sexual assault?      Yes \_\_\_\_      No \_\_\_\_

6a. If yes, please describe your training program below. Indicate topics, hours of training provided, and whether the training was funded with STOP funds.

	Topic of Training	Hours	STOP (Y/N)
(1)	Formal training for new staff.		
(2)	In-service training		
(3)	Specialized courses.		
(4)	Multi-disciplinary		
(5)	Provisions for conference and seminar		

7. Does your department require training on stalking?      Yes \_\_\_\_      No \_\_\_\_

7a. If yes, please describe your training program below. Indicate topics, hours of training provided, and whether the training was funded with STOP funds.

	Topic of Training	Hours	STOP (Y/N)
(1)	Formal training for new staff.		
(2)	In-service training		
(3)	Specialized courses.		
(4)	Multi-disciplinary		
(5)	Provisions for conference and seminar		

8. Does your organization participate in training programs related to crime victims provided by other agencies or organizations? Yes \_\_\_\_\_ No \_\_\_\_\_

8a. If yes, please describe the training provided.

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**C. Types of Services Available**

1. Does your department have a 911 system? Yes \_\_\_\_\_ No \_\_\_\_\_ Currently developing \_\_\_\_\_

1a. If yes, is your dispatcher: (Check all that apply)

- Trained to handle domestic violence calls.  
 Fluent in the Native language of your community.  
 Involved in protocol development.

1b. If no, who could/would victims call when they need help?

- Tribal law enforcement  
 BIA law enforcement  
 County law enforcement  
 Local city or town law enforcement  
 Other tribal law enforcement  
 State law enforcement

2. Does the tribe have a probation department? Yes \_\_\_\_\_ No \_\_\_\_\_

2a. If no, how are offenders supervised?

- By batterer reeducation group  
 Law enforcement  
 Other. Please specify: \_\_\_\_\_

3. Does the department use advocates to assist victims at the scene of the crime? Yes \_\_\_\_\_ No \_\_\_\_\_

3a. If yes, please explain how advocates are utilized \_\_\_\_\_

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4. Are your officers cross deputized with other law enforcement agencies? Yes \_\_\_\_\_ No \_\_\_\_\_

4a. If yes, please check all the law enforcement agencies with which your officers are cross deputized:

- City/local police  
 County sheriffs. Which counties? \_\_\_\_\_  
 Department of Public Safety  
 State police  
 Other tribal police departments. Please list the agency(ies) \_\_\_\_\_  
 Other: \_\_\_\_\_

4b. If no, has your department experienced problems with cross-deputizing officers due to:

- Communication
- Jurisdictional problems
- Negative attitudes
- Other. Identify: \_\_\_\_\_

5. Do you rely on other agencies to co-investigate criminal activity? Yes \_\_\_\_\_ No \_\_\_\_\_

5a. If yes, check all that apply:

- Bureau of Indian Affairs
- City/local police
- County sheriffs
- Department of Public Safety
- Federal Bureau of Investigation
- State police
- Other tribal police departments. Please identify: \_\_\_\_\_
- Other. Please Identify: \_\_\_\_\_

5b. What difficulties or benefits are there in co-investigating criminal activity?

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6. Does your agency have mutual aid agreements with other law enforcement departments?

Yes \_\_\_\_\_ No \_\_\_\_\_

6a. If yes, please check all the agencies:

- City police
- County sheriffs
- State police
- Other tribal police departments. Please identify: \_\_\_\_\_
- Other. Please identify: \_\_\_\_\_

6b. What difficulties/benefits are there in having mutual aid agreements?

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7. Does the tribe have jail facilities? Yes \_\_\_\_\_ No \_\_\_\_\_

7. If yes, please answer the following:

- a) Where is the facility located: \_\_\_\_\_
- b) How many inmates can the facility house? \_\_\_\_\_

7c. If no, where do offenders serve their sentences if they need to serve jail time?

- Contracting with the local city for jail space
- Contracting with the county for jail space.
- Contracting with another tribe for jail space.
- Federal incarceration unit.
- Other. Please specify: \_\_\_\_\_

**8. What problems do you see with contracting for incarceration facilities?**  
(Check all that apply)

- The cost of incarceration: List the cost for each night: \$ \_\_\_\_\_
- The distance from the community.
- Transportation to the facility.
- Lack of staff.
- Other. Please specify: \_\_\_\_\_

**9. What other tasks, related to domestic violence calls, do law enforcement officers do?**

- Inform the D.V. counselor of potential D.V. incident.
- Transport/escort victim to shelter or safe house.
- Serve orders of protection
- Check on local shelters
- Coordinate with other departments to ensure tribal orders of protection are honored.
- Observe the situation to serve as a witness.
- Log information on the nature of call
- Inform victim of release of offender
- Monitor offender.
- Other. Please specify: \_\_\_\_\_

**D. Policies**

**1. Do you have a written policy for domestic violence response?** Yes \_\_\_\_\_ No \_\_\_\_\_

**1a. If yes, what is the policy?**

- Arrest Preferred
- Mandatory Arrest
- Mediation as an alternative to arrest
- Other. Please explain: \_\_\_\_\_

**2. Is the written policy new?** Yes \_\_\_\_\_ No \_\_\_\_\_

**2a. If yes, when was the policy implemented?** \_\_\_\_/\_\_\_\_/\_\_\_\_

**2b. Are officers trained to follow the written policy?** Yes \_\_\_\_\_ No \_\_\_\_\_

**3. Do you have: (Check all that apply)**

- a. Policies on training standards and requirements.**
  - Including roll-call.
  - In-service.
  - Academy training for officers and other personnel.

- b. Policies on how to enforce applicable laws**
  - Including authority and decision making skills on the scene.
  - When to make an arrest where probable cause exists.
  - Removing weapons.
  - Enforcing orders of protection.
  - Checking records for prior incidents and warrants.
- c. Policies on how to serve victims and witnesses better.**
  - Including notifying victims of their rights.
  - Notifying victims of available services.
  - Progress on their case.
  - Protecting children on the scene.
- d. Collection of evidence by photographing injuries, identifying and interviewing secondary witnesses such as neighbors, etc.**
- e. Procedures to promote officer safety.**
- f. What to do when an officer is involved in domestic violence, including any special procedures such as calling a supervisor to the scene and follow-up contact.**
- g. Other. Please explain:** \_\_\_\_\_

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**E. Database/Communication**

**1. What types of database, reporting or tracking systems used by law enforcement does the STOP grant support?**

- Case tracking system.
- Criminal history records/warrant checks.
- Investigation checklist for use in domestic violence incidents.
- Sex offender registry
- Standardized/uniform domestic violence reporting forms.
- Protection/restraining order registry.
- Protection/restraining order tracking system.
- Victim notification systems.
- 911 hotline
- Other. Please specify: \_\_\_\_\_

**2. What types of equipment, specifically for use by law enforcement was purchased with STOP funds?**

- Beepers
- Cellular phones
- Computers
- Computer software
- Tape recording devices
- Two-way radios.
- Video cameras
- Other. Please specify: \_\_\_\_\_

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**F. General Information**

**1. How many calls for domestic violence did your department receive in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_ 1998? \_\_\_\_\_  
1997? \_\_\_\_\_

**2. Approximately how many domestic violence arrests were made by your department in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_  
1997? \_\_\_\_\_  
1998? \_\_\_\_\_

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**3. How many calls for sexual assault did your department receive in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_  
1997? \_\_\_\_\_  
1998? \_\_\_\_\_

**4. Approximately how many sexual arrests were made by your department in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_  
1997? \_\_\_\_\_  
1998? \_\_\_\_\_

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**5. How many calls for stalking did your department receive in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_  
1997? \_\_\_\_\_  
1998? \_\_\_\_\_

**6. Approximately how many stalking were made by your department in:**

1995? \_\_\_\_\_  
1996? \_\_\_\_\_  
1997? \_\_\_\_\_  
1998? \_\_\_\_\_

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**7. What problem(s) does your department encounter when dealing with domestic violence situations?**

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**8. What problem(s) does your department encounter when dealing with sexual assault situations?**

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9. What problem(s) does your department encounter when dealing with stalking situations?

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10. When crimes of domestic violence are not reported to law enforcement, what are the reasons women give for not reporting?

- Fear of spousal/partner retaliation
- Fear of losing child custody
- Cost of filing complaints
- Shame/Embarrassment
- Loss of income from spouse/partner
- Pressure from family to keep family intact
- Lack of faith in courts to prosecute case
- Do not want law enforcement involvement
- Fear of negative medicine used on family.
- Community attitude toward domestic violence
- Officer attitude toward domestic violence
- Degree of experience of officers
- Turnover of officers
- Other. Please explain: \_\_\_\_\_

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11. When crimes of sexual assault are not reported to law enforcement, what are the reasons women give for not reporting?

- Fear of spousal/partner retaliation
- Fear of losing child custody
- Cost of filing complaints
- Shame/Embarrassment
- Loss of income from spouse/partner
- Pressure from family to keep family intact
- Lack of faith in courts to prosecute case
- Do not want law enforcement involvement
- Fear of negative medicine used on family.
- Community attitude toward domestic violence
- Officer attitude toward domestic violence
- Degree of experience of officers
- Turnover of officers
- Other. Please explain: \_\_\_\_\_

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**12. When crimes of stalking are not reported to law enforcement, what are the reasons women give for not reporting?**

- Fear of spousal/partner retaliation
- Fear of losing child custody
- Cost of filing complaints
- Shame/Embarrassment
- Loss of income from spouse/partner
- Pressure from family to keep family intact
- Lack of faith in courts to prosecute case
- Do not want law enforcement involvement
- Fear of negative medicine used on family.
- Community attitude toward stalking
- Officer attitude toward stalking
- Degree of experience of officers
- Turnover of officers
- Other. Please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This form was completed by:**

\_\_\_\_\_  
Name (Please Print) Title Telephone Date

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**STOP Violence Against Indian Women Grant  
Part IV- Prosecution**

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**A. Scope of Services**

**1. Is there a prosecution or court component of your community's STOP grant?**    Yes \_\_\_ No \_\_\_

**2. What prosecutorial services were developed or enhanced with STOP funds?**

- Data communication systems
  - Data systems for tracking domestic violence/sexual assault cases.
  - Domestic violence and sexual assault units
  - Free legal service for preparation of protection orders
  - Investigative equipment
  - Policies and procedures for handling domestic violence, sexual assault, stalking, cases
  - Procedures that honor protection orders issued by other jurisdictions
  - Public education or awareness
  - Resource material for advocates/prosecutors/judges
  - Standardized forms for abuse/assault incidents
  - Supervision of offender
  - Training for advocates/prosecutors/judges
  - Training for investigators
  - Legal advocacy
  - Other. Please explain: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**3. What improvements have you seen as a result of STOP funds?**

- Efficiency in filing reports by using standardized forms.
  - Improvements in report writing
  - Improvements in documenting evidence of abuse.
  - Improvements in investigations because of better or new equipment
  - Improvements in communication between departments
  - Improvements in tracking offenders
  - Increasing arrests of offenders
  - Other. Please explain: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**3. What services do you think are innovative and effective in addressing violence against Indian women?**

\_\_\_\_\_

\_\_\_\_\_

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**B. Agency and Staff Information**

**1. What kind of court system does the tribe have?**

- Tribal Court
- Courts of Federal Regulation
- Intertribal Courts
- Traditional Courts
- No court system in community
- Other. Please specify: \_\_\_\_\_

If you have a tribal court system, please answer the following:

**2. Does your community have both a traditional and a contemporary court?** Yes \_\_\_\_\_ No \_\_\_\_\_

**2a. If yes, does the traditional court hear domestic violence cases?** Yes \_\_\_\_\_ No \_\_\_\_\_

**2b. If yes, what problems are there in hearing cases in traditional court?**

\_\_\_\_\_  
\_\_\_\_\_

**3. How many tribal judges does your contemporary court have?** \_\_\_\_\_

**4. How many elder/judges preside over the traditional court?** \_\_\_\_\_

**5. What kind of education do tribal judges have?**

- High school
- Bachelors
- Masters
- Juris Doctorate
- Traditional Native training
- Other. Please specify: \_\_\_\_\_

**6. What kind of training do judges receive?**

- National American Indian Court Judges Association
- National Indian Justice Center
- State Judges Association
- Other. Please specify: \_\_\_\_\_

**7. What problems, related to the adjudication of domestic violence/sexual assault/stalking cases, are experienced in tribal court?**

- Lack of respect for fellow judges
  - Lack of interest from tribal council
  - Lack of funds
  - Jurisdictional confusion over non-member offenders
  - Political influence in decisions
  - Other. Please explain: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

8. Are lawyers/attorneys able to be present in tribal court?

Are allowed  
 Not allowed

9. Are tribal lawyers required to be members of the state bar association? Yes  No

10. Does the tribe have their own bar examination? Yes  No

11. Is no-cost legal representation available for a defendant? Yes  No

11a. If no, does the court allow the defendant to have representation at their own expense?  
Yes  No

12. How many prosecutorial or related workers (e.g. prosecutor, advocates, etc.) were funded or hired with STOP grant funds?

Title	Name	Duties	Hours

13. Was a specialized prosecution unit to respond to domestic violence/sexual assault/stalking cases established?

Yes  No

13a. If yes, what is the name of the unit? \_\_\_\_\_

13b. What is the specialized unit's start date? \_\_\_\_/\_\_\_\_/\_\_\_\_

13c. How many personnel of each type staff the specialized unit?

\_\_\_\_ Counselor (s)      \_\_\_\_ Healthcare/ Medical worker(s)      \_\_\_\_ Law Enforcement Officer(s)

\_\_\_\_ Prosecutor(s)      \_\_\_\_ Victim Advocate(s)      \_\_\_\_ Other. Identify: \_\_\_\_\_

**C. Training**

1. Does your department require training on domestic violence/sexual assault/stalking?

Yes  No

1a. If yes, please describe your training program below. Indicate topics, hours of training provided, and whether the training was funded with STOP funds.

Topic of training	Hours	STOP \$	(Y/N)
(1) Formal training for new staff.			

(2) In-service training			
(3) Specialized courses			
(4) Multi-disciplinary			
(5) Provisions for conference and seminars			

2. Does your organization participate in training programs related to crime victims provided by other agencies or organizations? Yes \_\_\_ No \_\_\_

2a. If yes, please describe the training provided.

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**D. Code Development**

1. Does the tribe have codes for domestic violence? Yes \_\_\_ No \_\_\_  
If yes, please answer the following questions.

2. Was a task force initiated for code development? Yes \_\_\_ No \_\_\_

2a. If yes, which agencies were involved in the task force?

Law Enforcement \_\_\_ Prosecution \_\_\_  
Courts \_\_\_ Tribal Social Services \_\_\_  
Health/ Medical Services \_\_\_ Private Non-Profit Victim Services \_\_\_  
Other: \_\_\_\_\_

3. Were there any challenges in working with a multi-disciplinary task force? Please explain: \_\_\_\_\_

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4. What resources were referred or consulted when developing codes?

\_\_\_ State codes  
\_\_\_ Other tribal codes  
\_\_\_ Federal codes  
\_\_\_ Other. Please explain: \_\_\_\_\_

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**E. Provisions of the Code**

**1. Does the tribe have a specific code addressing domestic violence?** Yes \_\_\_ No \_\_\_

1a. If yes, when was the code passed: \_\_\_ / \_\_\_ / \_\_\_

1b. If no, is the tribe:

- \_\_\_ in the process of developing a code.
  - \_\_\_ in the process of revising the code.
  - \_\_\_ in the process of implementing the code.
  - \_\_\_ in the process of passing the code.
  - \_\_\_ Other. Please explain: \_\_\_\_\_
- 

**2. Does the tribe have a specific code addressing sexual assault?** Yes \_\_\_ No \_\_\_

2a. If yes, when was the code passed: \_\_\_ / \_\_\_ / \_\_\_

2b. If no, is the tribe:

- \_\_\_ in the process of developing a code.
  - \_\_\_ in the process of revising the code.
  - \_\_\_ in the process of implementing the code.
  - \_\_\_ in the process of passing the code.
  - \_\_\_ Other. Please explain: \_\_\_\_\_
- 

**3. Does the tribe have a specific code addressing stalking?** Yes \_\_\_ No \_\_\_

3a. If yes, when was the code passed: \_\_\_ / \_\_\_ / \_\_\_

3b. If no, is the tribe:

- \_\_\_ in the process of developing a code.
  - \_\_\_ in the process of revising the code.
  - \_\_\_ in the process of implementing the code.
  - \_\_\_ in the process of passing the code.
  - \_\_\_ Other. Please explain: \_\_\_\_\_
- 

**4. Were there any problems in developing, revising, implementing or passing your codes?**

Yes \_\_\_ No \_\_\_

4a. If yes, what were some of the problems?

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5. What category best describes your code?

- Codes that combine criminal/civil remedies and sanctions.
- Codes that combine criminal and/or civil/traditional remedies and sanctions.
- Codes that provide civil remedies and sanctions.
- Codes that are strictly criminal in nature.

6. What traditional methods/remedies/sanctions are incorporated into the civil/criminal procedure for domestic violence cases? (e.g., the use of elder advisors in counseling, dispute mediation)

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7. Does the tribal court rely on non-codified or customary laws in family violence cases? Yes  No

7a. If yes, What types of customary laws are used? check all that apply:

- Distribution of real property
- Custody of children
- Community service
- Apology as part of sanction
- Other. Please specify: \_\_\_\_\_

8. What action may be prosecuted under tribal law?

	Misdemeanor	Felony	Not Illegal
Domestic violence			
Hitting, slapping, shoving, or other physical assault			
Sexual assault, rape, attempted rape			
Marital rape			
Stalking			
Harassment or threat of physical assault			
Any act causing the death of another			
Destruction of private property belonging to another			
Kidnapping or confining another against his or her will			
Violation of the terms of a protection order			

**F. General Information**

1. Please indicate how many domestic violence complaints were filed with your department each year. Indicate how many were under your jurisdiction and resulted in convictions.

Year	# of complaints	Tribal jurisdiction	Convicted	Not convicted
1995				
1996				
1997				
1998				

2a. If not convicted, what was the most likely reason?

- Referred to federal jurisdiction
- Referred to state jurisdiction
- Plea bargained:
- Charges dropped due to:
  - Lack of evidence
  - Lack of witnesses
  - Failure of victim to testify
- Other. Please identify: \_\_\_\_\_

2b. Indicate, from those not convicted, the disposition of those cases for each year:

Year	Fed. jurisdiction	State jurisdiction	Plea bargained	Charges dropped
1995				
1996				
1997				
1998				

3. Once a defendant is convicted, what are the criminal sanctions for domestic violence?

Please check all the combinations that apply.

a. The first offense.

- jail sentence for
  - 10 days
  - 20 days
  - 30 days
  - 2 months
  - 3 months
  - 4 months
  - 5 months
  - 6 months
  - more than 6 months
- Fine: \$ \_\_\_\_\_
- Restitution: \$ \_\_\_\_\_
- Chemical dependency evaluation
- Attend batterer reeducation group \_\_\_\_\_ weeks
- Probation \_\_\_\_\_ months

**b. Second Offense**

\_\_\_ jail sentence for

- \_\_\_ 10 days
- \_\_\_ 20 days
- \_\_\_ 30 days
- \_\_\_ 2 months
- \_\_\_ 3 months
- \_\_\_ 4 months
- \_\_\_ 5 months
- \_\_\_ 6 months

- \_\_\_ Fine: \$ \_\_\_\_\_
- \_\_\_ Chemical dependency evaluation
- \_\_\_ Attend batterer reeducation \_\_\_ weeks
- \_\_\_ Restitution\$ \_\_\_\_\_
- \_\_\_ Probation: \_\_\_ months

**c. Third Offense**

\_\_\_ jail sentence for

- \_\_\_ 10 days
- \_\_\_ 20 days
- \_\_\_ 30 days
- \_\_\_ 2 months
- \_\_\_ 3 months
- \_\_\_ 4 months
- \_\_\_ 5 months
- \_\_\_ 6 months

- \_\_\_ Fine: \$ \_\_\_\_\_
- \_\_\_ Chemical dependency evaluation
- \_\_\_ Attend batterer reeducation \_\_\_ weeks
- \_\_\_ Restitution\$ \_\_\_\_\_
- \_\_\_ Probation \_\_\_ weeks

**3b. Indicate from those convicted, the disposition of the cases for each year:**

Year	First Offense	Second Offense	Third Offense	Other
1995				
1996				
1997				
1998				

**4. Does your department have jurisdiction over sexual assault cases?** Yes \_\_\_ No \_\_\_

**4a. If no, who prosecutes sexual assault cases?**

- \_\_\_ Court of Federal Recognition
- \_\_\_ Federal district court
- \_\_\_ State courts
- \_\_\_ Other. Please specify: \_\_\_\_\_

**4b. If yes, please indicate how many sexual assault complaints were filed with your department each year. Indicate how many were under your jurisdiction and resulted in convictions.**

Year	# of complaints	Tribal jurisdiction	Convicted	Not convicted
1995				
1996				
1997				
1998				

4c. If not convicted, what was the most likely reason?

- Referred to federal jurisdiction
- Referred to state jurisdiction
- Plea bargained
- Charges dropped due to:
  - Lack of evidence
  - Lack of witnesses
  - Failure of victim to testify
- Other. Please

specify: \_\_\_\_\_

4d . Indicate, from those not convicted, the disposition of those cases for each year

Year	Federal jurisdiction	State jurisdiction	Plea bargained	Charges dropped
1995				
1996				
1997				
1998				

5. Once a defendant is convicted, what are the criminal sanctions for sexual assault?

Please check all the combinations that apply.

a. The first offense.

- jail sentence for
  - 10 days
  - 20 days
  - 30 days
  - 2 months
  - 3 months
  - 4 months
  - 5 months
  - 6 months
  - more than 6 months

- Fine: \$ \_\_\_\_\_
- Restitution: \$ \_\_\_\_\_
- Chemical dependency evaluation
- Attend batterer reeducation group \_\_\_\_\_ weeks
- Probation \_\_\_\_\_ months

b. Second Offense

- jail sentence for
  - 10 days
  - 20 days
  - 30 days
  - 2 months
  - 3 months
  - 4 months
  - 5 months
  - 6 months

- Fine: \$ \_\_\_\_\_
- Chemical dependency evaluation
- Attend batterer reeducation group \_\_\_\_\_ weeks
- Restitution \$ \_\_\_\_\_
- Probation: \_\_\_\_\_ months

**c. Third Offense**

- jail sentence for  
 10 days  
 20 days  
 30 days  
 2 months  
 3 months  
 4 months  
 5 months  
 6 months
- Fine: \$ \_\_\_\_\_  
 Chemical dependency evaluation  
 Attend batterer reeducation group \_\_\_\_\_ weeks  
 Restitution \$ \_\_\_\_\_  
 Probation \_\_\_\_\_ weeks

**5a. Indicate from those convicted, the disposition of the cases for each year:**

Year	First Offense	Second Offense	Third Offense	Other
1995				
1996				
1997				
1998				

**6. Does your department have jurisdiction over stalking cases?**

**6a. If no, who prosecutes stalking cases?**

- Court of Federal Regulation  
 Federal District Court  
 State Courts

**6b. If yes, please indicate how many stalking complaints were filed with your department each year. Indicate how many were under your jurisdiction and resulted in convictions.**

Year	# of complaints	Tribal jurisdiction	Convicted	Not convicted
1995				
1996				
1997				
1998				

**6c. If not convicted, what was the most likely reason?**

- Referred to federal jurisdiction  
 Referred to state jurisdiction  
 Plea bargained:  
 Charges dropped due to:  
 Lack of evidence  
 Lack of witnesses  
 Failure of victim to testify  
 Other. Please specify: \_\_\_\_\_

6d . Indicate, from those not convicted, the disposition of those cases for each year:

Year	Federal jurisdiction	State jurisdiction	Plea bargained	Charges dropped
1995				
1996				
1997				
1998				

7. Once a defendant is convicted, what are the criminal sanctions for stalking?  
Please check all the combinations that apply.

**a. The first offense.**

- \_\_\_ jail sentence for
- \_\_\_ 10 days
  - \_\_\_ 20 days
  - \_\_\_ 30 days
  - \_\_\_ 2 months
  - \_\_\_ 3 months
  - \_\_\_ 4 months
  - \_\_\_ 5 months
  - \_\_\_ 6 months
  - \_\_\_ more than 6 months

- \_\_\_ Fine: \$ \_\_\_\_\_
- \_\_\_ Restitution: \$ \_\_\_\_\_
- \_\_\_ Chemical dependency evaluation
- \_\_\_ Attend batterer reeducation group \_\_\_ weeks
- \_\_\_ Probation \_\_\_ months

**b. Second Offense**

- \_\_\_ jail sentence for
- \_\_\_ 10 days
  - \_\_\_ 20 days
  - \_\_\_ 30 days
  - \_\_\_ 2 months
  - \_\_\_ 3 months
  - \_\_\_ 4 months
  - \_\_\_ 5 months
  - \_\_\_ 6 months

- \_\_\_ Fine: \$ \_\_\_\_\_
- \_\_\_ Chemical dependency evaluation
- \_\_\_ Attend batterer reeducation group \_\_\_ weeks
- \_\_\_ Restitution \$ \_\_\_\_\_
- \_\_\_ Probation: \_\_\_ months

**c. Third Offense**

- \_\_\_ jail sentence for
- \_\_\_ 10 days
  - \_\_\_ 20 days
  - \_\_\_ 30 days
  - \_\_\_ 2 months
  - \_\_\_ 3 months
  - \_\_\_ 4 months
  - \_\_\_ 5 months
  - \_\_\_ 6 months

- \_\_\_ Fine: \$ \_\_\_\_\_
- \_\_\_ Chemical dependency evaluation
- \_\_\_ Attend batterer reeducation group \_\_\_ weeks
- \_\_\_ Restitution \$ \_\_\_\_\_
- \_\_\_ Probation \_\_\_ weeks

7d. Indicate from those convicted, the disposition of the cases for each year:

Year	First Offense	Second Offense	Third Offense	Other
1995				
1996				
1997				
1998				

8. What are the sanctions for violation of a protection order?

- A misdemeanor
- A criminal contempt
- A civil contempt
- Other. Please specify: \_\_\_\_\_

8a. How many sanctions for violation of a protection order were issued in the following years:

	Misdemeanor	Criminal contempt	Civil Contempt	Other
1995				
1996				
1997				
1998				

9. What are the sanctions for failure to comply with a court order requiring counseling, treatment, or participation in a batterer reeducation group?

- A misdemeanor
- A criminal contempt
- A civil contempt
- Other. Please specify: \_\_\_\_\_

9a. How many sanctions for failure to comply with a court order requiring counseling, treatment, or participation in a batterer reeducation program were issued for the following years:

	Misdemeanor	Criminal contempt	Civil Contempt	Other
1995				
1996				
1997				
1998				

10. Does the tribe have probation department? Yes \_\_\_\_\_ No \_\_\_\_\_

10a. If no, how are offenders supervised?

- By batterer reeducation group
- Law enforcement
- Other. Please specify: \_\_\_\_\_

11. Are there advocates available to assist victims during the legal process?  
11a. If yes, what services do advocates provide for victims?

Yes \_\_\_\_\_ No \_\_\_\_\_

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This form was completed by:

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Name (Please Print)	Title	Telephone	Date
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American Indian Studies Programs

THE UNIVERSITY OF  
**ARIZONA**<sup>®</sup>  
TUCSON ARIZONA

Harvill Room 430  
PO Box 210076  
Tucson Arizona 85721-0076  
(520) 621-7108  
FAX (520) 621-7952

May 9, 2000

Dear Ms. or Mr. X,

As you are aware, the Tribal Law and Policy Program(TLPP) at the University of Arizona has a cooperative agreement with the National Institute of Justice to conduct an impact evaluation of tribal STOP programs. The survey that was mailed to you over one month ago requesting valuable information about your tribal STOP program has not yet been received.

The survey will allow the TLPP to understand some of the most promising practices tribal STOP programs like yours have developed to help combat violence against Indian women. The information you provide us ultimately will be incorporated into a report to the National Institute of Justice. The identity of tribes, people and programs will be kept anonymous. This report will assist in their response to your needs and the issues with which your program contends, and will be incorporated into their reports to Congress. Your cooperation in filling out this survey is greatly appreciated.

We would like to have the survey returned in the envelope that we provided by **[15 days from the time this letter was sent]**. If you need another copy of the survey please contact us and we would be happy to send you another. Also, if you have any questions or concerns about the survey, the TLPP evaluation project, or how the information you provide will be used, please feel free to call the TLPP team at (520) 626-3397 between 9:00 am and 5:00 pm Mountain Standard Time.

Thank you for helping us to strengthen the STOP program and the provision of services to Indian women.

Sincerely,

Eileen Luna  
Associate Professor, American Indian Studies Programs  
University of Arizona



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Dear Ms. or Mr.,

The National Institute of Justice has a cooperative agreement with the Tribal Law and Policy Program at the University of Arizona to conduct an impact evaluation of all STOP Violence Against Indian Women Programs. As you are aware, the University of Arizona Tribal STOP Evaluation team is planning a site visit to your community on **(Date)**. The purpose of this letter is to thank you in advance for facilitating our visit to your community in order that we might conduct a thorough overview of how your community responds to violent crimes against women.

In order to best understand how domestic violence is addressed in your community, there are several people with whom we would like to meet and conduct tape-recorded interviews. Each interview will take approximately one hour. We would appreciate you setting up appointments for us to interview the following people:

- STOP Grant Coordinator
- Tribal Judge(s)
- Prosecutor(s)
- Shelter Employees
- Law Enforcement Personnel (preferably including the Chief of Police)
- Domestic Violence Officer (if applicable)
- Advocates
- Task Force Members
- Tribal Leaders
- Anyone else involved in responding to violent crimes against women.

In addition to interviewing those who respond to violent crimes against women, we are required to speak with individuals who have utilized STOP services. We would appreciate it if you could set up interviews with a representative sample of 2-3 women during our last day of the site visit. We realize this is a sensitive issue, and request that you set up a quiet and safe space in order for us to conduct these confidential tape-recorded interviews. We will be offering the women some monetary compensation for allowing us to speak with them.

It is also important to us to be able to tour the facilities relevant to domestic violence response. We would greatly appreciate it if you would schedule tours of your shelter, courthouse and law enforcement agency.



We know that a visit such as ours can be awkward to arrange and we appreciate your cooperation in working with us. If you have any questions or concerns, please feel free to call us at (520)626-3405 or (520)626-3397, Monday-Friday, 9:00-4:00, MST. We may also be reached by fax at (520)621-7952 or email at [stopeval@u.arizona.edu](mailto:stopeval@u.arizona.edu). Thank you for your help in facilitating this important visit.

Sincerely,

Eileen Luna, J.D., M.P.H.  
Assistant Professor  
American Indian Studies



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## INTERVIEW PARTICIPANT CONSENT FORM

I AM BEING ASKED TO READ THE FOLLOWING MATERIAL TO ENSURE THAT I AM INFORMED OF THE NATURE OF THIS RESEARCH STUDY AND OF HOW I WILL PARTICIPATE IN IT, IF I CONSENT TO DO SO. SIGNING THIS FORM WILL INDICATE THAT I HAVE BEEN SO INFORMED AND THAT I GIVE MY CONSENT. FEDERAL REGULATIONS REQUIRE WRITTEN INFORMED CONSENT PRIOR TO PARTICIPATION IN THIS RESEARCH STUDY SO THAT I CAN KNOW THE NATURE AND RISKS OF MY PARTICIPATION AND CAN DECIDE TO PARTICIPATE OR NOT PARTICIPATE IN A FREE AND INFORMED MANNER.

1. *What is the goal of this study?*

One of the goals of this study is to learn how domestic violence response services work together and help women. Another goal is find out what these services do to ensure the safety of women in situations of domestic violence. The findings of this study will be combined with the findings of studies done through interviews with the service providers, themselves, to determine how much they are helping women who have experienced domestic violence.

2. *How was I chosen?*

I was chosen to be interviewed because I have received help from these services, I am a member of a Native American/Alaskan Native community, and I am willing to share my experiences. We will interview about five women from each of the fourteen communities we will visit.

3. *What will be involved in participating?* The interview will last between one and two hours. The interviews will be taped with a tape recorder and then typed out later in a transcript. You may have a copy of the typed interview.

4. *Who will know what I say?*

Only the evaluation team will be able to know the information you share on the tapes and in the transcript. We are based in the American Indian Studies Department and the Law School at the University of Arizona. The team includes Eileen Luna and Leah Carpenter, the interviewers, and assistants directly supervised by Professor Luna, the head investigator.

5. *What risks and benefits are associated with participation?* The benefits of the study include improving social services for women. Your story can help provide information on what can be done to improve the response system in your community and in other communities. You might feel uneasy about sharing private details about how the services helped you. To be sure your information is kept private, your name and the name of your community will not appear in the

typed interview or the final report. Quotes from your interview might be used in the final report without your name attached and without any details that could be used to identify you. Another risk is you might be reminded of moments that are hard and stressful to talk about. To help you, you may choose from three different ways to do the interview. All the interview questions directly deal with the response services that helped you and not any other topic. Feel free to tell us when you do not want to answer certain questions or talk about certain topics.

6. *What are my rights as a study participant?* A copy of this consent form will be given to you to keep. You may ask as many questions about the interview as you want to ask. Feel free to ask questions about how we will use the information you share. Any question will be answered as completely as possible. You may decide that you cannot answer a certain question or a group of questions. You may decide to leave the study at any time. You will not be pressured into answering questions or participating. Your participation is completely voluntary.

7. *What are the costs involved in participating?* The costs are not in the form of money. The costs are in the time, one to two hours, that you give up to participate in this study. To show our appreciation for your willingness to talk and spend time with us, you will be awarded a gift certificate in the amount of \$25 from a local store, that you may spend however you like.

8. *How will what I say be used?* What you tell us will be compared to other interviews our evaluation team has done with other women in your community or in other Native American communities. You may be quoted or what you say may be summarized. We will share our results, including information from your interview in a final report.

9. *If I want more information, whom can I contact about the study?*

This study has been approved by the University of Arizona Human Subjects Form Committee. They can be reached at Human Subjects Committee Office

1622 E. Mabel Street  
Tucson, Arizona  
85719  
(520) 626-6721

At a later time, if you have any concerns relating to these interviews, please contact the STOP evaluation team office at this address:

STOP Evaluation Team  
Harvill Room 430  
P.O. Box 210076  
Tucson, Arizona  
85721

You may reach us at this phone number: 520-626-3397.

BEFORE GIVING MY CONSENT BY SIGNING THIS FORM, THE METHODS, INCONVENIENCES, RISKS, AND BENEFITS HAVE BEEN EXPLAINED TO ME AND MY QUESTIONS HAVE BEEN ANSWERED. I UNDERSTAND THAT I MAY ASK QUESTIONS AT ANY TIME AND THAT I AM FREE TO WITHDRAW FROM THE PROJECT AT ANY TIME WITHOUT CAUSING BAD FEELINGS. MY PARTICIPATION IN THIS PROJECT MAY BE ENDED BY THE INVESTIGATOR OR BY THE SPONSOR FOR REASONS THAT WOULD BE EXPLAINED. I UNDERSTAND THAT THIS CONSENT FORM WILL BE FILED IN AN AREA DESIGNATED BY THE HUMAN SUBJECTS COMMITTEE WITH ACCESS RESTRICTED TO THE PRINCIPAL INVESTIGATOR, EILEEN LUNA, OR AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT. I UNDERSTAND THAT I DO NOT GIVE UP ANY OF MY LEGAL RIGHTS BY SIGNING THIS FORM. A COPY OF THIS SIGNED CONSENT FORM WILL BE GIVEN TO ME.

\_\_\_\_\_  
Participant 's Signature

\_\_\_\_\_  
Date

#### INVESTIGATOR'S AFFIDAVIT

I have carefully explained to the subject the nature of the above project. I hereby certify that to the best of my knowledge the person who is signing this consent form understands clearly the nature, demands, benefits, and risks involved in his/her participation and his/her signature is legally valid. A medical problem, or language or educational barrier has not precluded this understanding.

\_\_\_\_\_  
Interviewer's Signature

\_\_\_\_\_  
Date

CONSENT FORM  
to waiver confidentiality for best practices in the  
IMPACT EVALUATION OF STOP GRANT PROGRAMS  
FOR REDUCING VIOLENCE AGAINST WOMEN AMONG INDIAN TRIBES

I AM BEING ASKED TO READ THE FOLLOWING MATERIAL TO ENSURE THAT I AM INFORMED OF THE NATURE OF THIS RESEARCH STUDY AND OF HOW I WILL PARTICIPATE IN IT, IF I CONSENT TO DO SO, SIGNING THIS FORM WILL INDICATE THAT I HAVE BEEN SO INFORMED AND THAT I GIVE MY CONSENT. FEDERAL REGULATIONS REQUIRE WRITTEN INFORMED CONSENT PRIOR TO PARTICIPATION IN THIS RESEARCH STUDY SO THAT I CAN KNOW THE NATURE AND RISKS OF MY PARTICIPATION AND CAN DECIDE TO PARTICIPATE OR NOT PARTICIPATE IN A FREE AND INFORMED MANNER.

**PURPOSE, PROCEDURES, AND SELECTION CRITERIA:**

I already have been invited to participate in a research study on the impact of domestic violence STOP grant programs in tribal communities for the years 1998-2000 . The principle investigator, Professor Eileen Luna, and her assistants have inquired about the best practices of my agency through a mailed survey and a site visit with in-depth, audio-taped interviews. This evaluation team and persons connected to my agency discussed such issues as the types of services offered, collaborative efforts of service providers, law enforcement, medical establishments and court systems, and how funding has improved the lives of Indian women who have experienced domestic violence, stalking, and sexual assault.

The STOP Grant evaluation team has been asked by the National Institute of Justice to obtain permission to give credit to agencies with innovative and successful programs. In the former consent form, signed prior to the interviews, anonymity was promised. Therefore, this consent form would permit the use of the name of my agency and the community/region it serves to be used in the 1998-2000 final report. With the omission of anonymity, interested agencies from Native, non-Native, and governmental organizations have the option to contact particular programs to request more information on their innovations and best practices.

**RISKS AND BENEFITS:**

A strict identification process will eliminate the risk of marring the image of a program or identifying a person's name and position in relation to my program. The name of my organization and community will only be associated with best practices. Individual names of grant managers and staff will not be used. Likewise, service recipients from my agency who were interviewed will not be identified with the agency name or community name or even associated with the descriptions of the named places. The permanent pledge of confidentiality for service recipients and service providers remains secure and enduring.

A refusal to sign this form involves no penalty. By signing this form, I consent to having my agency's name and community identified exclusively with best practices in the 1998-2000 report on the impact of STOP funds for reducing violence against women among Indian tribes with the understanding that personal names of service providers and service recipients will not be identified.

**PARTICIPATION COSTS AND SUBJECT COMPENSATION**

I understand that the use of my agency's name in this study will involve no monetary costs or

compensation. The only cost that will be incurred will have been the time that I gave to be interviewed. I understand that using my agencies' name will not provide any financial compensation to me or my agency.

I can obtain further information from Eileen Luna, Assistant Professor, at the University of Arizona, American Indian Studies Program at (520)-621-7108 or (520)-626-3397 or fax (520) 621-7952. I may write to her at University of Arizona American Indian Studies Harvill Rm 430, PO Box 210076 Tucson, Arizona 85721-0076. If I have any questions concerning my rights as a research subject, I may call the University of Arizona Human Subject Committee Office at (520) 626-6721 or write Human Subjects Committee Office 1622 E. Mabel Street Tucson, Arizona 85719.

BEFORE GIVING MY CONSENT BY SIGNING THIS FORM, THE METHODS, INCONVENIENCES, RISKS, AND BENEFITS HAVE BEEN EXPLAINED TO ME AND MY QUESTIONS HAVE BEEN ANSWERED. I UNDERSTAND THAT I MAY ASK QUESTIONS AT ANY TIME. WHILE THE PARTICIPATION OF MY PROJECT IN THE EVALUATION IS REQUIRED BY THE GRANT WHICH WE HAVE RECEIVED, WAIVER OF CONFIDENTIALITY IS NOT REQUIRED. THIS CONSENT TO THE WAIVER OF CONFIDENTIALITY MAY BE REVOKED IN WRITING AT ANY TIME PRIOR TO SUBMISSION OF THE REPORT TO THE GRANTOR, THE NATIONAL INSTITUTE OF JUSTICE. MY PARTICIPATION IN THIS PROJECT MAY BE ENDED BY THE INVESTIGATOR OR THE SPONSOR FOR REASONS THAT WOULD BE EXPLAINED, NEW INFORMATION DEVELOPED DURING THE COURSE OF THIS STUDY WHICH MAY AFFECT MY WILLINGNESS TO CONTINUE IN THIS RESEARCH PROJECT WILL BE GIVEN TO ME AS IT BECOMES AVAILABLE. I UNDERSTAND THAT THIS CONSENT FORM WILL BE FILED IN AN AREA DESIGNATED BY THE HUMAN SUBJECTS COMMITTEE WITH ACCESS RESTRICTED TO THE PRINCIPAL INVESTIGATOR, EILEEN LUNA, OR AUTHORIZED REPRESENTATIVE OF THE AMERICAN INDIAN STUDIES PROGRAM. I UNDERSTAND THAT I DO NOT GIVE UP ANY OF MY LEGAL RIGHTS SIGNING THIS FORM. A COPY OF THIS SIGNED CONSENT FORM WILL BE GIVEN TO ME.

\_\_\_\_\_  
Subject's Name (Please print)

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

Investigator's Affidavit:

I have carefully explained to the subject the nature of the above project. I hereby certify that to the best of my knowledge the person who is signing this consent form understands clearly the nature, demands, benefits, and risks involved in her/his participation and her/his signature is legally valid. A medical problem or language or educational barrier has not precluded this understanding.

\_\_\_\_\_  
Signature of Investigator

\_\_\_\_\_  
Date

R

American Indian Studies Programs

THE UNIVERSITY OF  
**ARIZONA**  
TUCSON ARIZONA

Harvill Room 430  
PO Box 210076  
Tucson Arizona 85721-0076  
(520) 621-7108  
FAX (520) 621-7952

Dear Ms. or Mr,

The Tribal STOP Evaluation Team greatly appreciates your efforts to facilitate our recent site visit. Your consideration and cooperation enabled us to conduct the necessary interviews in an expeditious and thorough manner. This would not have been possible without your assistance.

Please feel free to contact us if you have any questions or concerns. We would also appreciate it if you would keep us informed of any events or changes regarding your program.

We enjoyed meeting with you, and with those involved with your program. We look forward to continuing to work with you over the next year.

Thank you again for the consideration which you extended to our evaluation team. We greatly appreciate it.

Sincerely,

Eileen Luna  
Assistant Professor  
American Indian Studies

PROPERTY OF  
National Criminal Justice Reference Service (NCJRS)  
Box 6000  
Rockville, MD 20849-6000

